



No. 65

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Municipal Act.

MR. BAIRD

No. 65

1932

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 233,
amended.

1. *The Municipal Act* is amended by adding thereto the following section:

Reimburse-
ment of ex-
penditure for
relief of per-
sons resident
in other
municipalities.

396a. Where the corporation has expended money for out-of-door relief to, or for the maintenance at a house of refuge, hospital or institution for the insane, deaf and dumb or blind or other public institution of a like character, of any person who has been continuously resident in the municipality for less than one year, such money shall be repaid to the corporation upon demand, by the corporation of the municipality in which such person was theretofore last resident for a continuous period of one year.

EXPLANATORY NOTE

The object of this amendment is to enable a municipality which has expended money for relief or maintenance or hospitalization of persons who have not been resident for one year to recover the amount from the municipality in which such person last resided for one year.

BILL

An Act to amend The Municipal Act.

1st Reading

March 4th, 1932

2nd Reading

3rd Reading

MR. BAIRD

No. 66

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Municipal Act.

Mr. SMITH (Greenwood)

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 233, s. 343, subs. 2, amended. **1.** Subsection 2 of section 343 of *The Municipal Act* is amended by inserting at the beginning thereof the words "Subject to the provisions of subsection 6a."

Rev. Stat., c. 233, s. 343, amended. **2.** Section 343 of *The Municipal Act* is amended by adding thereto the following subsection:

Application by corporation to Municipal Board to further defer entry.

(6a) Where it is shown to the satisfaction of the Municipal Board upon application made by the corporation before the day fixed for entry by the by-law, that in view of financial conditions it is desirable that the day fixed for entry by the by-law should be further deferred, the Municipal Board may further defer the time for entry by the corporation on the land until a day not less than one year nor more than three years after the day fixed for entry by the by-law, but so that the total time for which entry is deferred by the provisions of the by-law and the order of the Municipal Board shall not exceed ten years, upon such terms and conditions as the said Board may deem proper, and upon such order being made the day fixed by the Municipal Board as the day for entry shall thereafter be deemed to be the day fixed in the by-law for entry.

EXPLANATORY NOTE

The purpose of this Bill is to confer upon the Municipal Board power to grant a three-year extension of the time for deferred widening schemes, if it is satisfied that prevailing financial conditions so warrant.

BILL

An Act to amend The Municipal Act.

1st Reading

March 8th, 1932

2nd Reading

3rd Reading

MR. SMITH (Greenwood)

No. 67

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Municipal Act.

MR. ELLIS

TORONTO
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BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 233, ss.
240-243 and
246 repealed.

1. Sections 240, 241, 242, 243 and 246 of *The Municipal Act* are repealed and the following substituted therefor:

Appoint-
ment of
auditors.

240.—(1) In every city, separated town, town in unorganized district, and county the council shall by by-law appoint an auditor, who shall be a chartered or licensed accountant of Ontario, or other expert accountant.

In counties.

(2) An auditor so appointed shall in the case of a county be an auditor for the county and for all the municipalities therein except a city and a separated town.

In unor-
ganized
territory.

(3) The Lieutenant-Governor in Council shall appoint an auditor for each unorganized district, who shall be the auditor for all the municipalities in the district for which he is appointed except a city, and town, and he shall hold office during pleasure.

Firm of
auditors.

(4) A firm of auditors qualified as before set out may be appointed in any case instead of one auditor.

Removal of
auditor.

(5) Every auditor appointed for a city, separated town, town in an unorganized district or a county shall only be removed from office on a vote of two-thirds of all the members of the council.

Auditing of
accounts
before pay-
ment.

241. The council of a city or separated town may provide that all accounts shall be audited before payment.

Duty of
auditors.

242. All auditors shall daily or otherwise examine, audit and report on the accounts of all corporations for which they are appointed, and shall, at the end of

EXPLANATORY NOTE

The object of the amendments is to effect general improvement in the system of auditing municipal accounts by the appointment of qualified auditors being made compulsory.

every month, beginning with the first month in the year following that of their appointment, examine and report upon all accounts affecting the corporation, or relating to any matter under its control, or within its jurisdiction, and after the examination of every account, voucher, receipt and paid debenture submitted for audit, shall stamp on it, in indelible letters, the word "audited," and initial it.

Fees.

243. The fees to be paid by all municipalities, except a city or separated town, to an auditor, shall be such as are provided for in a tariff to be made by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 233, s. 245,
subs. 1,
repealed.

2. Subsection 1 of section 245 of *The Municipal Act* is repealed and the following substituted therefor:

Duties of
auditors.

(1) The auditors shall examine and report upon all accounts affecting the corporation or any commission managing a public utility work or relating to any matter under its control or within its jurisdiction.

Rev. Stat.,
c. 233, s. 245,
subs. 3,
repealed.

3. Subsection 3 of section 245 of *The Municipal Act* is repealed and the following substituted therefor:

Time for
filing
abstract,
statements
and reports.

(3) The abstract, statements and reports mentioned in subsection 2 shall be made and filed within one month after the expiry of the year to which they relate.

BILL

An Act to amend The Municipal Act.

1st Reading

March 10th, 1932

2nd Reading

3rd Reading

MR. ELLIS

No. 68

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Municipal Act.

MR. LANCASTER

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 68

1932

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 233, s. 422,
(heading),
amended.

1. The heading of section 422 of *The Municipal Act* is amended by inserting after the word "towns" in the third line the words "and villages," so that the said heading shall now read as follows:

422. By-laws may be passed by the councils of townships in unorganized territory, all townships bordering on a city having a population of not less than 100,000, of counties and towns and villages, and of cities having a population of less than 100,000, and by the Board of Commissioners of Police of cities having a population of not less than 100,000.

EXPLANATORY NOTE

The object of the amendment is to enable village councils to pass by-laws, as cities and towns may do, to license, regulate and govern hawkers and pedlars.

BILL

An Act to amend The Municipal Act.

1st Reading

March 16th, 1932

2nd Reading

3rd Reading

MR. LANCASTER

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Municipal Act.

MR. FINLAYSON

No. 69

1932

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Municipal Amendment Act, 1932*.

Rev. Stat.,
c. 233, s. 51,
subs. 2,
amended.

2. Subsection 2 of section 51 of *The Municipal Act* is amended by inserting after the word and figures "section 56" in the last line the words "or who is entered on the list as a farmer's daughter," so that the subsection shall now read as follows:

Number of
electors--how
determined.

(2) The number of municipal electors shall be determined by the last revised voters' list but in counting the names, the name of the same person shall not be counted more than once, and the name of a person who is a municipal elector by reason of being the wife or husband of the person so rated or entitled to be rated for land as mentioned in clause *d* of subsection 1 of section 56 or who is entered on the list as a farmer's daughter shall not be counted.

Rev. Stat.,
c. 233, s. 53,
subs. 1, cl. *p*,
amended.

3. Clause *p* of subsection 1 of section 53 of *The Municipal Act* is amended by adding at the end thereof the following words:

"but this clause shall not apply with respect to any moneys paid or payable to a member of council under the provisions of sections 433, 434, 435 or 436."

Rev. Stat.,
c. 233,
amended.

4. *The Municipal Act* is amended by adding thereto the following section:

Voting
of county
councillors in
committee.

215a. The council of a county may by by-law provide that a member who in council has an additional vote

EXPLANATORY NOTES

Section 2. The object of the amendment is to prevent farmer's daughters being counted for the purpose of fixing county council representation.

Section 3. The amendment is to remove doubt that has been raised as to the ability of a retiring member of council to qualify if part of his per diem allowance for attending meetings is unpaid on nomination day.

Section 4. The amendment is to remove doubt as to the use of multiple voting in committees of a county council. The council may by by-law provide that multiple voting will apply in committee.

by virtue of the provisions of subsection 2 of section 45 shall as a member of any committee have an additional vote therein.

Rev. Stat.,
c. 233, s. 230,
subss. 2, 3, s.
238, subss. 6,
7, repealed.

5. Subsections 2 and 3 of section 230 and subsections 6 and 7 of section 238 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 233,
amended.

6. *The Municipal Act* is amended by adding thereto the following section:

Security to
be furnished
by officers.

248a. (1) Every treasurer, deputy treasurer and collector and every other officer of the corporation as the council may require, before entering on the duties of his office shall give annually such security as the council directs for the faithful performance of such duties and for duly accounting for and paying over all money which comes into his hands.

Nature
of security.

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company within the meaning of *The Guarantee Companies Securities Act*.

Rev. Stat.,
c. 230.

Inspection
of surety
bonds.

(3) It shall be the duty of the council at a meeting held not later than the 15th day of February in every year with respect to those of its officers who continue in office from year to year and at the first meeting after his appointment with respect to any newly appointed officer, to require the production before it of every bond, policy or guarantee contract required under this section.

Filing
of surety
bonds with
clerk of the
peace, and
his duties
thereon.

(4) Forthwith after the production before the council of any bond, policy or guarantee contract required under this section, the clerk shall deposit the same with the clerk of the peace of the county or district in which the municipality is situate whose duty it shall be to keep the same in a place of safe custody and forthwith after receipt of same transmit to the head of the municipality and to the Director of the Bureau of Municipal Affairs a return of all such bonds, policies and guarantee contracts deposited with him under this section, which return shall be in the form prescribed by the said Director and shall set forth the particulars therein provided for, and the clerk of the peace shall also keep a copy of such return in his office.

Premiums.

(5) The premiums payable in respect of any bond, policy or guarantee contract given under this section shall

Section 5. The repeal is necessary by reason of the enactment of new section 248a.

Section 6. The objects of new section 248a in providing that the bond of a surety company only may be accepted as security are to ensure proper and adequate bonding, to avoid chances of loss through personal sureties proving to be insufficient, to avoid difficulties through having to give personal sureties, to eliminate chances of embezzlement by reason of the greater care and oversight provided by a surety company as compared with a personal surety.

The new section also contains much needed improvement by requiring actual production and inspection of surety bonds by council and the deposit of same in a place of safe custody with the clerk of the peace who is competent to properly check and keep track of the same year by year.

It has been quite common for personal bonds to run for years without inspection and in some instances the bondsmen have been dead or not financially responsible for many years before the fact is ascertained and it has even happened that an official before absconding destroyed the bond of his sureties.

be payable by the corporation out of its general funds.

Director
may suggest
additional
security, etc.

- (6) The Director of the Bureau of Municipal Affairs may upon examination of any return made to him under this section, inform the council of the municipality to which it relates of any additions to, increases in the amounts of, or other changes in any of the bonds, policies, or guarantee contracts given under this section which he may deem advisable or desirable to be made.

Rev. Stat.,
c. 233, s. 300,
amended.

7. Section 300 of *The Municipal Act* is amended by adding thereto the following subsection:

Hypothecation not a
sale under
this section.

- (2) For the purposes of this section the hypothecation of debentures under section 332 shall not constitute a sale or other disposal thereof.

Rev. Stat.,
c. 233, s. 307,
repealed.

8. Section 307 of *The Municipal Act* is repealed and the following substituted therefor:

Yearly
estimates
and con-
tents.

- 307.—(1) The council of every municipality shall in each year prepare and adopt estimates of all sums required during the year for the purpose of the municipality, including the sums required to be provided by the council for school purposes and for any board, commission or other body, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Municipal Board may from time to time prescribe.

Allowances
to be made in
estimates.

- (2) The estimates shall provide due allowance for the cost of collection, abatement of and discount on taxes and uncollectible taxes, and may provide due allowance for taxes which may not be collected during the year.

Rating
by-laws.

- (3) One by-law or several by-laws for levying the rates may be passed as the council may deem expedient.

Form of
estimates.

- (4) The Municipal Board may prescribe the form of estimates to be prepared by the council and may from time to time vary the same.

Rev. Stat.,
c. 233, s. 332,
amended.

9. Section 332 of *The Municipal Act* is amended by adding thereto the following subsection:

Section 7. As section 300 is now worded it is not possible for the Municipal Board to approve a change in interest rates where debentures are hypothecated, no matter how necessary a change might be to effect a good sale in the market.

Section 8. Present section 307 as to yearly estimates is not sufficiently specific, and it is essential that some standard be adopted as to the information.

In some municipalities it has not even been the practice to have any estimates at all, and therefore no control over spending is obtained and council cannot tell whether appropriations are overspent or not.

In many municipalities requisitions merely state that a certain amount of money is required without any particulars and in some cases the requisition is merely a demand for imposition of a named mill rate.

It is impossible to get any control over municipal expenditures if estimates are insufficient for the purpose.

Section 9. Under the principles of corporation law once a debenture is issued whether even by way of hypothecation, it is upon return to the issuer cancelled and cannot be re-issued, while this principle may not apply to municipal debentures, yet there is a doubt which the amendment is intended to remove.

Hypothecation not to prevent sale of debentures.

- (3) Subject to the provisions of subsection 2, the hypothecation of a debenture shall not prevent the subsequent sale thereof.

Rev. Stat., c. 233, s. 334, repealed.

10. Section 334 of *The Municipal Act* is repealed and the following substituted therefor:

Current borrowings.

- 334.—(1) A council may by by-law either before or after the passing of the by-law for imposing the rates for the current year authorize the head and treasurer to borrow until the taxes are collected, such sums as the council may deem necessary to meet the current expenditures of the corporation provided for in the estimates for the year, including the amounts provided therein for sinking fund, principal and interest falling due within the year upon any debt of the corporation, school purposes, special rates purposes and for meeting the requirements of any board, commission or body and other purposes for which the corporation is required by law to provide.

Limit of current borrowing.

- (2) The amount so borrowed shall not exceed seventy per centum of the total amount of the current revenues of the corporation of the preceding year, exclusive of moneys borrowed and of proceeds derived from the sale of debentures in that year.

Lender not bound by application, etc.

- (3) The lender shall not be bound to establish the necessity of borrowing the sum lent or to see to its application.

Security for moneys borrowed.

- (4) The council may by by-law authorize the giving as security for any such loan, promissory notes or other forms of agreement of the corporation signed by the head and treasurer and sealed with the seal of the corporation, and each such note or agreement shall be valid and binding upon the corporation.

Lien upon revenues.

- (5) The council may by by-law or agreement designate what revenues of the corporation, if any, are charged with repayment of such notes or agreements, and the lender shall have a lien upon the revenues so charged until the loan is satisfied.

Prior liens not defeated.

- (6) Any subsequent charge or lien created under this section shall not defeat or affect and shall be subject to any prior charge or lien then subsisting.

Municipal Board may approve of excess borrowings.

- (7) Notwithstanding the limitation in borrowing contained in subsection 2, a council may with the

Section 10. The object in re-writing section 334 is to achieve better control over loans obtained in anticipation of collection of current revenues.

The present section permits borrowing up to ninety per cent. of the expenditures of the past year. This has led to unsound borrowing and in some instances outstanding loans exceed the total of unpaid taxes.

The amendment limits borrowing to seventy per cent. of the revenues of the preceding year, which is felt to be a much better controlling indicator. Provision is made for increased borrowings with the approval of the Municipal Board.

Provision is also made for giving a lien upon revenues as security for loans against the same. This practice has prevailed in many municipalities although not expressly authorized. Recent events established the desirability of making express provision for a lien so as to avoid varying practice, through special agreements with lenders of money.

Provisions similar to those applicable in case of diversion of sinking funds are made so that members of council and officials are penalized for misapplication of revenues subject to lien.

approval of the Municipal Board borrow an amount in excess of seventy per centum of the current revenues of the preceding year, exclusive of moneys borrowed and of proceeds derived from the sale of debentures in that year.

Disquali-
fication for
unauthorized
borrowings.

- (8) If the council authorizes the borrowing of any larger sum than is authorized or approved under this section, every member who votes therefor shall be disqualified from holding any municipal office for two years.

Liability
for mis-
application
of revenues
subject to
lien.

- (9) If the council applies any revenues of the corporation charged or subject to a lien under this section otherwise than in discharge thereof, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability
of officers.

- (10) If any officer of a corporation applies any revenues of the corporation so charged or subject to lien otherwise than in discharge thereof, he shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Rev. Stat.,
c. 233, s. 397,
subs. 1,
amended.

11. Subsection 1 of section 397 of *The Municipal Act* as amended by section 26 of *The Municipal Amendment Act, 1931*, is further amended by inserting after the words "financial aid" in the fifth line the words "by way of loan" so that the first paragraph thereof shall now read as follows:

Granting
fixed assess-
ments.

1. For fixing the assessment of the property of any person carrying on or proposing to carry on within the municipality any manufacturing business including iron works, rolling mills, works for refining or smelting ores, grain elevators, a beet sugar factory and a tobacco drier or a cold storage plant receiving financial aid by way of loan from the Department of Agriculture of the Province of Ontario on such terms and conditions as the council may deem proper.

Rev. Stat.,
c. 233, s. 433,
repealed.

12. Section 433 of *The Municipal Act* is repealed and the following substituted therefor:

Remunera-
tion of
members of
council.

- 433.—(1) The council of a municipality may pass by-laws for paying the members of the council for their attendance at meetings at the following rates in the case of,—

Section 11. The amendment is merely to stipulate that fixed assessments may be granted to cold storage plants receiving financial aid by way of loan, which is the method by which such aid is granted.

Section 12. The revision of section 433 is to effect some slight reduction in the amounts which members of certain councils may be paid for attendance at meetings.

Stipulation is also made that where the head of an urban municipality receives a salary he is not to be paid for attendance at meetings.

- (a) a county, at a rate not exceeding \$8 a day for attendance at meetings of the council or of its committees and ten cents for each mile necessarily travelled in going to such meetings;
- (b) a city having a population of less than 100,000 and a township, at a rate not exceeding \$5 a day for attendance at meetings of the council;
- (c) a town or village, at a rate not exceeding \$3 a day for attendance at meetings of the council.

Where
head receives
salary.

- (2) Where under the provisions of section 224 the head of an urban municipality is paid an annual or other remuneration, such head shall not be entitled to payment under this section for attendance at meetings.

Commence-
ment of Act.

13. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Municipal Act.

1st Reading

March 4th, 1932

2nd Reading

3rd Reading

MR. FINLAYSON

No. 70

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting Industrial Farms.

MR. CHALLIES

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 70

1932

BILL

An Act respecting Industrial Farms.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Industrial Farms Act, 1932*.

Industrial farms in city or county. **2.**—(1) The council of a county or of a city having a population of not less than 50,000 as shown by the last Dominion of Canada census, may pass by-laws for establishing, equipping and maintaining an industrial farm or industrial farms, which in the case of a city may be established within or without the limits of the city, and for acquiring the lands necessary for that purpose.

In provisional judicial districts. (2) Industrial farms may be established in provisional judicial districts by the Lieutenant-Governor in Council.

Site and plans must be approved. **3.** An industrial farm shall not be established until the site and plans for the buildings to be erected thereon have been approved by the Lieutenant-Governor in Council on the report of an officer authorized by the Lieutenant-Governor in that behalf, or the officer designated in accordance with subsection 1 of section 11 of *The Public Institutions Inspection Act, 1931*.

1931, c. 80.

Joint action by two or more municipal corporations. **4.** In lieu of establishing separate industrial farms the councils of two or more counties or cities may, with the approval in writing of an officer authorized by the Lieutenant-Governor in that behalf, or the officer designated in accordance with subsection 1 of section 11 of *The Public Institutions Inspection Act, 1931*, enter into an agreement for the establishment, equipment and maintenance of, and may establish, equip and maintain an industrial farm.

Transfer from gaol to industrial farm. **5.**—(1) Prisoners who are convicted of offences against any Act of this Legislature or against a municipal by-law, or who

EXPLANATORY NOTES

Section 2.—(1) There is a desire on the part of many counties to unite with other counties so as to provide labour for short-date working prisoners. It is deemed unwise to encourage the establishment of farms unless the prison population available for work on such farms is 100 or over. This calls for a population of not less than 50,000.

(2) Similar to section 1, subsection (2) in present Act.

Section 3. Similar in meaning to section 4 in present Act.

Section 4. Similar in purpose to section 3 in present Act.

Section 5.—(1) Similar in meaning to section 2 in present Act.

may be lawfully committed for offences against the criminal law, may be transferred on a warrant of an officer authorized by the Lieutenant-Governor in that behalf, or the officer designated in accordance with subsection 1 of section 11 of *The Public Institutions Inspection Act, 1931*, from any common or district gaol, or from any other place of legal custody, to an industrial farm.

Transfer of prisoners.

(2) A male prisoner in an industrial farm whose sentence has not expired, may be transferred to an Ontario reformatory or to the gaol of the county or district in which he was sentenced, or to any other industrial farm or gaol, upon the warrant of the officer as provided in subsection 1 of section 5 of this Act; and the said officer may also direct the removal of any female prisoner in an industrial farm to the Andrew Mercer Reformatory for Females or to an industrial refuge for females or to the gaol of the county or district in which she was sentenced.

Appointment of superintendent, etc., by Lieutenant-Governor in Council.

6. The superintendents, guards, clerks, accountants, engineers and all other officers and employees of industrial farms shall be appointed by the Lieutenant-Governor in Council upon the report of the officer designated in accordance with subsection 1 of section 11 of *The Public Institutions Inspection Act, 1931*, and shall be paid such salaries by the county or city or authority establishing and maintaining such farms as shall be prescribed from time to time by the Lieutenant-Governor in Council; provided that in any industrial farm for male prisoners established and equipped by the corporation of a city of over 100,000 persons, the corporation of the said city may appoint one engineer and one steward, but if said appointment is made the said engineer and the said steward shall be subject to the same discipline and the same rules and regulations as any other officer or employee of such farm.

Agreements for extending sewerage system to industrial farm.

7.—(1) The council of a county or city which has established an industrial farm or industrial farms may from time to time enter into an agreement or agreements for connecting the industrial farm or industrial farms with the sewerage system of any municipal corporation and may pass all by-laws and do all things necessary to carry the agreement or agreements into effect.

Contracts for supplying water, light and power.

(2) Such council of a county or city may contract with the Hydro-Electric Power Commission of Ontario or with any municipal corporation, company, firm or individual, owning or operating a waterworks system or works for the production and supply of electricity for light, heat or power, for the supply of water for domestic purposes and for fire protection,

(2) Provides authority for transferring from an industrial farm to other institutions of all classes of prisoners, some of whom are misfits, except the venereal disease types. When the sentence of these expire, they should not be discharged or removed elsewhere till given a clean bill of health.

Section 6. Takes the place of section 5 in present Act and by providing the authority of the Lieutenant-Governor eliminates the jurisdiction of the sheriff. In practice it is impracticable for the sheriff to exercise control.

Section 7.—(1) Similar to same section and subsection in present Act.

(2) Similar to same number in present Act.

or for the supply of electricity for light, heat or power purposes at the industrial farm or industrial farms.

Power to carry necessary works over intervening lands.

(3) For the purpose of connecting such industrial farm or industrial farms with such sewerage or waterworks system or electrical works, the corporation of such county or city, its officer, servants, agents or workmen may enter upon and pass over any lands or highways lying between such industrial farm or industrial farms and the points of connection, and may dig up such lands and highways and construct sewers and lay down pipes and place all necessary poles, wires and appliances and do all necessary work in or upon such lands and highways, making due compensation to the owners as provided by *The Municipal Act*.

Rev. Stat., c. 233.

Powers of corporations establishing a joint industrial farm.

(4) Where two or more such counties or cities have established a joint industrial farm or industrial farms they shall have in respect to such industrial farm or industrial farms, all the powers conferred upon the council of a county or city by this section.

Assent of electors not required to by-law establishing industrial farm.

8. It shall not be necessary to obtain the assent of the electors to a by-law for raising such moneys as may be required for the establishment, equipment and maintenance of an industrial farm or for the acquiring of lands required for that purpose.

Rules and regulations.

9. The Lieutenant-Governor in Council upon the recommendation of an officer as provided in subsection 1 of section 11 of *The Public Institutions Inspection Act, 1931*, may make rules and regulations for the management, discipline, government and control of an industrial farm and prescribing the requirements to be observed in keeping the buildings, plants and machinery in repair.

Power to compel inmates to work.

10. Rules and regulations made under the authority of this Act may provide for requiring every prisoner committed to an industrial farm to perform such work or services at such time, for such hours and at such trade or labour as may be deemed advisable, and for buying material therefor, and for selling or otherwise disposing of the articles manufactured or produced therefrom.

Cost of maintenance of industrial farm.

11.—(1) Except where otherwise provided by agreement the cost of the maintenance of an industrial farm, as referred to in subsection 1 of section 2 of this Act, including the salaries of the superintendent and the officers and employees thereof, and of the persons committed or transferred to it, and all other expenses incidental thereto, shall be borne and paid in the same manner and by the same county or city and

(3) Similar in meaning to same number in present Act.

(4) Similar in meaning to same number in present Act.

Section 8. Same in meaning as same section in present Act.

Section 9. Same as section 9, subsection 2 in present Act.

Section 10. Takes the place of subsections 2, 3, 4 and 5 of section 9 of present Act.

Section 11.—(1) Same in meaning as same section in present Act.

the Province in the same proportion as if the industrial farm were a common gaol under *The Administration of Justice Expenses Act*.

Rev. Stat.,
c. 126.

In case of joint farms. (2) In the case of a joint industrial farm the counties or cities by which it is established shall provide, by agreement, the proportions in which the costs and expenses mentioned in subsection 1 shall be borne by them respectively, and by which of them such costs and expenses shall be paid in the first instance, and the terms of such agreement may be varied from time to time as occasion may require, and if the corporations are unable to agree as to the variation, the same shall be determined by arbitration under *The Municipal Act*, but no such variation, except by agreement, shall be made more often than once in every five years.

Cost of maintenance in provisional judicial district.

(3) The cost of the establishment, equipment and maintenance of an industrial farm in a provisional judicial district, as referred to in subsection 2 of section 2, shall be borne and paid by the Province.

Monthly reports by superintendent.

12. The superintendent of every industrial farm shall, during the first week of each calendar month, transmit by registered post to the officer designated in accordance with subsection 1 of section 11 of *The Public Institutions Inspection Act, 1931*, a report showing the number of prisoners admitted, discharged, paroled and deceased in the industrial farm during the preceding month, on the form prescribed by the said officer, together with such other particulars as he may require.

Rev. Stat.,
c. 350; 1931,
c. 23, s. 24,
repealed.]

13. *The Industrial Farms Act*, being chapter 350 of the Revised Statutes of Ontario, 1927, and section 24 of *The Statute Law Amendment Act, 1931*, are repealed.

Commencement of Act.

14. This Act shall come into force on the day upon which it receives the Royal Assent.

(2) Similar in meaning to same section in present Act.

(3) The sequel to provision made in section 2, subsection 2, of this Act.
Burwash and Fort William Farms now operate on this authority. ~~XXXX~~

Section 12. Similar in meaning to same section in present Act.



BILL

An Act respecting Industrial Farms.

1st Reading

March 4th, 1932

2nd Reading

3rd Reading

MR. CHALLIES

No. 70

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting Industrial Farms.

MR. CHALLIES

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 70

1932

BILL

An Act respecting Industrial Farms.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Industrial Farms Act, 1932*.

Industrial farms in city or county. 2.—(1) The council of a county or of a city having a population of not less than 50,000 as shown by the last Dominion of Canada census, may pass by-laws for establishing, equipping and maintaining an industrial farm or industrial farms, which in the case of a city may be established within or without the limits of the city, and for acquiring the lands necessary for that purpose.

In provisional judicial districts. (2) Industrial farms may be established in provisional judicial districts by the Lieutenant-Governor in Council.

Site and plans must be approved. 3. An industrial farm shall not be established until the site and plans for the buildings to be erected thereon have been approved by the Lieutenant-Governor in Council on the report of an officer authorized by the Lieutenant-Governor in that behalf, or the officer designated in accordance with subsection 1 of section 11 of *The Public Institutions Inspection Act, 1931*.

1931, c. 80. Joint action by two or more municipal corporations. 4. In lieu of establishing separate industrial farms the councils of two or more counties or cities may, with the approval in writing of an officer authorized by the Lieutenant-Governor in that behalf, or the officer designated in accordance with subsection 1 of section 11 of *The Public Institutions Inspection Act, 1931*, enter into an agreement for the establishment, equipment and maintenance of, and may establish, equip and maintain an industrial farm.

Transfer from gaol to industrial farm. 5.—(1) Prisoners who are convicted of offences against any Act of this Legislature or against a municipal by-law, or who

may be lawfully committed for offences against the criminal law, may be transferred on a warrant of an officer authorized by the Lieutenant-Governor in that behalf, or the officer designated in accordance with subsection 1 of section 11 of *The Public Institutions Inspection Act, 1931*, from any common or district gaol, or from any other place of legal custody, to an industrial farm.

(2) A male prisoner in an industrial farm whose sentence has not expired, may be transferred to an Ontario reformatory or to the gaol of the county or district in which he was sentenced, or to any other industrial farm or gaol, upon the warrant of the officer as provided in subsection 1 of section 5 of this Act; and the said officer may also direct the removal of any female prisoner in an industrial farm to the Andrew Mercer Reformatory for Females or to an industrial refuge for females or to the gaol of the county or district in which she was sentenced.

Transfer of prisoners.

6. The superintendents, guards, clerks, accountants, engineers and all other officers and employees of industrial farms shall be appointed by the Lieutenant-Governor in Council upon the report of the officer designated in accordance with subsection 1 of section 11 of *The Public Institutions Inspection Act, 1931*, and shall be paid such salaries by the county or city or authority establishing and maintaining such farms as shall be prescribed from time to time by the Lieutenant-Governor in Council; provided that in any industrial farm for male prisoners established and equipped by the corporation of a city of over 100,000 persons, the corporation of the said city may appoint one engineer and one steward, but if such appointments are made the said engineer and the said steward shall be subject to the same discipline and the same rules and regulations as any other officer or employee of such farm.

Appointment of superintendent, etc., by Lieutenant-Governor in Council.

7.—(1) The council of a county or city which has established an industrial farm or industrial farms may from time to time enter into an agreement or agreements for connecting the industrial farm or industrial farms with the sewerage system of any municipal corporation and may pass all by-laws and do all things necessary to carry the agreement or agreements into effect.

Agreements for extending sewerage system to industrial farm.

(2) Such council of a county or city may contract with the Hydro-Electric Power Commission of Ontario or with any municipal corporation, company, firm or individual, owning or operating a waterworks system or works for the production and supply of electricity for light, heat or power, for the supply of water for domestic purposes and for fire protection,

Contracts for supplying water, light and power.

or for the supply of electricity for light, heat or power purposes at the industrial farm or industrial farms.

Power to carry necessary works over intervening lands.

(3) For the purpose of connecting such industrial farm or industrial farms with such sewerage or waterworks system or electrical works, the corporation of such county or city, its officers, servants, agents or workmen may enter upon and pass over any lands or highways lying between such industrial farm or industrial farms and the points of connection, and may dig up such lands and highways and construct sewers and lay down pipes and place all necessary poles, wires and appliances and do all necessary work in or upon such lands and highways, making due compensation to the owners as provided by *The Municipal Act*.

Rev. Stat., c. 233.

Powers of corporations establishing a joint industrial farm.

(4) Where two or more such counties or cities have established a joint industrial farm or industrial farms they shall have in respect to such industrial farm or industrial farms, all the powers conferred upon the council of a county or city by this section.

Assent of electors not required to by-law establishing industrial farm.

8. It shall not be necessary to obtain the assent of the electors to a by-law for raising such moneys as may be required for the establishment, equipment and maintenance of an industrial farm or for the acquiring of lands required for that purpose.

Rules and regulations.

9. The Lieutenant-Governor in Council upon the recommendation of an officer as provided in subsection 1 of section 11 of *The Public Institutions Inspection Act, 1931*, may make rules and regulations for the management, discipline, government and control of an industrial farm and prescribing the requirements to be observed in keeping the buildings, plants and machinery in repair.

Power to compel inmates to work.

10. Rules and regulations made under the authority of this Act may provide for requiring every prisoner committed to an industrial farm to perform such work or services at such time, for such hours and at such trade or labour as may be deemed advisable, and for buying material therefor, and for selling or otherwise disposing of the articles manufactured or produced therefrom.

Cost of maintenance of industrial farm.

11.—(1) Except where otherwise provided by agreement the cost of the maintenance of an industrial farm, as referred to in subsection 1 of section 2 of this Act, including the salaries of the superintendent and the officers and employees thereof, and of the persons committed or transferred to it, and all other expenses incidental thereto, shall be borne and paid in the same manner and by the same county or city and

the Province in the same proportion as if the industrial farm were a common gaol under *The Administration of Justice Expenses Act*. Rev. Stat., c. 126.

(2) In the case of a joint industrial farm the counties or cities by which it is established shall provide, by agreement, the proportions in which the costs and expenses mentioned in subsection 1 shall be borne by them respectively, and by which of them such costs and expenses shall be paid in the first instance, and the terms of such agreement may be varied from time to time as occasion may require, and if the corporations are unable to agree as to the variation, the same shall be determined by arbitration under *The Municipal Act*, but no such variation, except by agreement, shall be made more often than once in every five years. In case of joint farms.

(3) The cost of the establishment, equipment and maintenance of an industrial farm in a provisional judicial district, as referred to in subsection 2 of section 2, shall be borne and paid by the Province. Cost of maintenance in provisional judicial district.

12. The superintendent of every industrial farm shall, during the first week of each calendar month, transmit by registered post to the officer designated in accordance with subsection 1 of section 11 of *The Public Institutions Inspection Act, 1931*, a report showing the number of prisoners admitted, discharged, paroled and deceased in the industrial farm during the preceding month, on the form prescribed by the said officer, together with such other particulars as he may require. Monthly reports by superintendent.

13. *The Industrial Farms Act*, being chapter 350 of the Revised Statutes of Ontario, 1927, and section 24 of *The Statute Law Amendment Act, 1931*, are repealed. Rev. Stat., c. 350, 1931, c. 23, s. 24, repealed.

14. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act respecting Industrial Farms.

1st Reading

March 4th, 1932

2nd Reading

March 9th, 1932

3rd Reading

March 18th, 1932

MR. CHALLIES

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL
An Act to amend The Children's Protection Act.

MR. MARTIN (Brantford)

No. 71

1932

BILL

An Act to amend The Children's Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Children's Protection Act, 1932*.

Rev. Stat.,
c. 279, s. 1,
cl. k,
amended. **2.**—(1) The clause lettered *k* in section 1 of *The Children's Protection Act* is amended by inserting the word "provincial" before the word "superintendent" in the first line so that the clause shall now read as follows:

"Superintendent."
"Superintendent." (*k*) "Superintendent" shall mean the Provincial Superintendent of Neglected and Dependent Children.

Rev. Stat.,
c. 279, s. 1,
amended. (2) The said section 1 is amended by adding thereto the following clause:

"Local Superintendent."
"Local superintendent" shall mean the officer appointed by a children's aid society upon the approval of the Lieutenant-Governor in Council to carry out the provisions of this Act in the territory over which the children's aid society has jurisdiction.

Rev. Stat.,
c. 279, s. 2,
cl. f,
repealed. **3.** The clause lettered *f* in section 2 of *The Children's Protection Act* is repealed.

Rev. Stat.,
c. 279, s. 10,
subs. 1,
amended. **4.** Subsection 1 of section 10 of *The Children's Protection Act* is amended by adding at the end thereof the words "and in territory without municipal organization the amount so ordered to be paid shall not exceed seventy-five cents a day," so that the subsection shall now read as follows:

Order
for main-
tenance. (1) In any direction for the temporary custody and care of a child pending the hearing or determination of the case, the judge may order, and when committing a child to the custody or control of a children's aid

EXPLANATORY NOTES

Section 2.—(1) This amendment is in order to distinguish between the local superintendent and the Provincial Superintendent.

(2) The Act at present is vague as to the duties of the local superintendent and the responsibility of appointment. This clause is intended to define the office which is named in various parts of the Act.

Section 3. The clause repealed provides that it shall be the duty of the Superintendent to visit and inspect industrial schools and shelters and report at least twice a year to the Minister on the conditions, management and discipline of each industrial school. *The Industrial Schools Act* and the departmental regulations authorized by *The Department of Public Welfare Act* provide that this shall be the duty of the departmental inspector and the clause is therefore no longer necessary.

Section 4. This fixes the maximum amount which may be ordered to be paid, in territory without municipal organization, for maintenance.

society the judge shall order, the payment by the corporation of the municipality in which the child belongs of a reasonable sum, not less than seventy-five cents a day, for the maintenance of the child by the society in a temporary home, an institution, a foster home or elsewhere where children are not cared for without compensation, and in territory without municipal organization the amount so ordered to be paid shall not exceed seventy-five cents a day.

Rev. Stat.,
c. 279, s. 12,
subs. 3,
repealed.

5. Subsection 3 of section 12 of *The Children's Protection Act* is repealed.

Rev. Stat.,
c. 279, s. 29,
subs. 2,
amended.

6. Subsection 2 of section 29 of *The Children's Protection Act* is amended by striking out the words "Inspector of Prisons and Public Charities" in the fifth and sixth lines and inserting in lieu thereof the word "Superintendent," so that the subsection shall now read as follows:

Conditions
of authority.

(2) Authority to bring such children into Ontario shall only be granted on condition that if any such child becomes, within five years of his immigration, an inmate of a prison, hospital or other charitable institution where such child is likely to become a permanent charge, the Superintendent shall notify the society or agent under whose auspices the child was brought into Ontario in order that such child may be deported.

Rev. Stat.,
c. 279,
amended.

7. *The Children's Protection Act* is amended by adding thereto the following section:

Regulations.

38. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

(a) governing the duties and scope of a children's aid society;

(b) providing for the appointment of a local superintendent by a children's aid society and prescribing his duties under this Act or any other child welfare Act;

(c) generally for the better carrying out of the provisions of this Act.

Application
of Act.

8. The provisions of this Act shall apply with respect to every child now a ward of a children's aid society as if he had

Section 5. The subsection repealed gives the Superintendent power to transfer a child to an industrial school where he considers such child requires special training. This subsection is no longer necessary this authority now being given to the Minister under *The Industrial Schools Act*.

Section 6. The Inspector of Prisons and Public Charities is now a servant of another department.

Section 7. The new section 38 is necessary to provide the authority for regulations now in the course of preparation.

Section 8. This is intended to provide that in the case of children committed before or after the passing of this Act the maximum amount which may be ordered to be paid shall be not more than seventy-five cents per day.

been committed upon the day upon which this Act receives the Royal Assent.

Commence-
ment of Act. **9.** This Act shall come into force on the day upon which it receives the Royal Assent.

BILL
An Act to amend The Children's
Protection Act.

1st Reading

March 4th, 1932

2nd Reading

3rd Reading

MR. MARRIN (Brantford)

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Children's Protection Act.

MR. MARTIN (Brantford)

No. 71

1932

BILL

An Act to amend The Children's Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Children's Protection Act, 1932*.

Rev. Stat.,
c. 279, s. 1,
cl. k,
amended. **2.**—(1) The clause lettered *k* in section 1 of *The Children's Protection Act* is amended by inserting the word "provincial" before the word "superintendent" in the first line so that the clause shall now read as follows:

"Superintendent." (*k*) "Superintendent" shall mean the Provincial Superintendent of Neglected and Dependent Children.

Rev. Stat.,
c. 279, s. 1,
amended. (2) The said section 1 is amended by adding thereto the following clause:

"Local Superintendent." (*m*) "Local superintendent" shall mean the officer appointed by a children's aid society upon the approval of the Lieutenant-Governor in Council to carry out the provisions of this Act in the territory over which the children's aid society has jurisdiction.

Rev. Stat.,
c. 279, s. 2,
cl. f,
repealed. **3.** The clause lettered *f* in section 2 of *The Children's Protection Act* is repealed.

Rev. Stat.,
c. 279, s. 10,
subs. 1,
amended. **4.** Subsection 1 of section 10 of *The Children's Protection Act* is amended by adding at the end thereof the words "and in territory without municipal organization the amount so ordered to be paid shall not exceed seventy-five cents a day," so that the subsection shall now read as follows:

Order
for main-
tenance. (1) In any direction for the temporary custody and care of a child pending the hearing or determination of the case, the judge may order, and when committing a child to the custody or control of a children's aid

society the judge shall order, the payment by the corporation of the municipality in which the child belongs of a reasonable sum, not less than seventy-five cents a day, for the maintenance of the child by the society in a temporary home, an institution, a foster home or elsewhere where children are not cared for without compensation, and in territory without municipal organization the amount so ordered to be paid shall not exceed seventy-five cents a day.

5. Subsection 3 of section 12 of *The Children's Protection Act* is repealed. Rev. Stat.,
c. 279, s. 12,
subs. 3,
repealed.

6. Subsection 2 of section 29 of *The Children's Protection Act* is amended by striking out the words "Inspector of Prisons and Public Charities" in the fifth and sixth lines and inserting in lieu thereof the word "Superintendent," so that the subsection shall now read as follows: Rev. Stat.,
c. 279, s. 29,
subs. 2,
amended.

(2) Authority to bring such children into Ontario shall only be granted on condition that if any such child becomes, within five years of his immigration, an inmate of a prison, hospital or other charitable institution where such child is likely to become a permanent charge, the Superintendent shall notify the society or agent under whose auspices the child was brought into Ontario in order that such child may be deported. Conditions
of authority.

7. *The Children's Protection Act* is amended by adding thereto the following section: Rev. Stat.,
c. 279,
amended.

38. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,— Regulations.

(a) governing the duties and scope of a children's aid society;

(b) providing for the appointment of a local superintendent by a children's aid society and prescribing his duties under this Act or any other child welfare Act;

(c) generally for the better carrying out of the provisions of this Act.

8. The provisions of this Act shall apply with respect to every child now a ward of a children's aid society as if he had been committed upon the day upon which this Act receives the Royal Assent. Application
of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

BILL
An Act to amend The Children's
Protection Act.

1st Reading

March 4th, 1932

2nd Reading

March 7th, 1932

3rd Reading

March 18th, 1932

MR. MARTIN (Brantford)

No. 72

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Cemetery Act.

MR. ROBB

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 72

1932

BILL

An Act to amend The Cemetery Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title. **1.** This Act may be cited as *The Cemetery Act, 1932*.
- Rev. Stat.,
c. 317, s. 1,
amended. **2.** Section 1 of *The Cemetery Act* is amended by adding thereto the following clauses:
- “Columbarium.” (e) “Columbarium” shall mean any structure designed for the purpose of storing the ashes of human remains which have been cremated;
- “Crematorium.” (f) “Crematorium” shall mean a building fitted with the proper appliances for the purpose of the incineration and cremation of human remains, and shall include everything incidental or ancillary thereto.
- Rev. Stat.,
c. 317,
amended. **3.** *The Cemetery Act* is amended by adding thereto the following Part:

PART IV.

CREMATORIA.

- Establishment of crematoria. 47. The powers of an owner of a cemetery shall be deemed to extend to and include the provision and maintenance of crematoria and columbaria and the disposal of the bodies of deceased persons by incineration or cremation, and the provision of such fixtures, appliances and facilities as may be deemed necessary in order that such cremation or incineration may be carried on in accordance with accepted scientific principles.
- Regulation of cremation and disposal of ashes. 48. The owner shall, subject to approval of the Lieutenant-Governor in Council, have power from time to time

EXPLANATORY NOTES

Section 2. These are an addition to the interpretation section made necessary by the addition of Part IV.

Section 3. The new sections provide for the establishment and maintenance of crematoria and columbaria.

Section 47 extends the powers of owners under *The Cemetery Act* to include the cremation of deceased persons.

Section 48 gives the owner power to make regulations with regard to cremation and the disposal of ashes.

to frame by-laws, rules and regulations for the reception, cremation or incineration of the bodies of deceased persons for the deposit of ashes remaining therefrom in a suitable columbarium or for otherwise disposing of the same, and for the fees and rates to be charged.

Medical
certificate.

49. No body shall be cremated unless a certificate and permit similar to that now required for burial has been produced nor within forty-eight hours after decease, unless death has been occasioned by a communicable disease subject to quarantine and placard according to the provisions of *The Public Health Act* and regulations passed under authority thereof, and so certified by a duly qualified medical practitioner, in which case a duly constituted local board of health may order that the body of the deceased shall be cremated forthwith.

Rev. Stat.,
c. 262.

Coroner's
certificate.

50. No body shall be cremated unless and until a certificate in the prescribed form, signed by a duly qualified coroner of the municipality in which the death took place has been deposited with the owner, which certificate shall contain the statement that the cause of death has been definitely ascertained and that there exists no reason for further inquiry or examination.

Right to
refuse
cremation.

51. The owner shall have the right to refuse to cremate in any case without assigning reasons.

Right of the
Lieutenant-
Governor in
Council to
make regula-
tions.

52. The Lieutenant-Governor in Council shall from time to time have the right to make such rules and regulations as may be deemed advisable for the better carrying out of the provisions of this Act.

Approval of
site, etc., by
Department.

53. The provisions of sections 2, 3, 4, 5, 6 and 7 of this Act shall apply to crematoria or columbaria, in the same manner as the said sections apply to a cemetery.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 49 prohibits the cremation of a body without the medical certificate now required for burial.

Section 50 provides for the issue of the coroner's certificate and is a necessary provision to prevent the destruction of evidence which might be required at an inquest.

Section 51 gives the owner the right to refuse to cremate.

Section 52 gives the Lieutenant-Governor power to make regulations for the better carrying out of the Act.

Section 53 requires the approval of the Department of Health to the proposed site and plans of buildings and other structures used as crematoria and columbaria.

BILL

An Act to amend The Cemetery Act.

1st Reading

March 3rd, 1932

2nd Reading

3rd Reading

MR. ROBB

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Cemetery Act.

MR. ROBB

No. 72

1932

BILL

An Act to amend The Cemetery Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Cemetery Act, 1932*.

Rev. Stat.,
c. 317, s. 1,
amended.

2. Section 1 of *The Cemetery Act* is amended by adding thereto the following clauses:

"Colum-
barium."

(e) "Columbarium" shall mean any structure designed for the purpose of storing the ashes of human remains which have been cremated;

"Crema-
torium."

(f) "Crematorium" shall mean a building fitted with the proper appliances for the purpose of the incineration and cremation of human remains, and shall include everything incidental or ancillary thereto.

Rev. Stat.,
c. 317,
amended.

3. *The Cemetery Act* is amended by adding thereto the following Part:

PART IV.

CREMATORIA.

Establish-
ment of
crematoria.

47. The powers of an owner of a cemetery shall be deemed to extend to and include the provision and maintenance of crematoria and columbaria and the disposal of the bodies of deceased persons by incineration or cremation, and the provision of such fixtures, appliances and facilities as may be deemed necessary in order that such cremation or incineration may be carried on in accordance with accepted scientific principles.

Regulation
of cremation
and disposal
of ashes.

48. The owner shall, subject to approval of the Lieutenant-Governor in Council, have power from time to time

to frame by-laws, rules and regulations for the reception, cremation or incineration of the bodies of deceased persons, for the deposit of ashes remaining therefrom in a suitable columbarium or for otherwise disposing of the same, and for the fees and rates to be charged.

49. No body shall be cremated unless a certificate and permit similar to that now required for burial has been produced nor within forty-eight hours after decease, unless death has been occasioned by a communicable disease subject to quarantine and placard according to the provisions of *The Public Health Act* and regulations passed under authority thereof, and so certified by a duly qualified medical practitioner, in which case a duly constituted local board of health may order that the body of the deceased shall be cremated forthwith. Medical certificate.
Rev. Stat., c. 262.
50. No body shall be cremated unless and until a certificate in the prescribed form, signed by a duly qualified coroner of the municipality in which the death took place has been deposited with the owner, which certificate shall contain the statement that the cause of death has been definitely ascertained and that there exists no reason for further inquiry or examination. Coroner's certificate.
51. The owner shall have the right to refuse to cremate in any case without assigning reasons. Right to refuse cremation.
52. The Lieutenant-Governor in Council shall from time to time have the right to make such rules and regulations as may be deemed advisable for the better carrying out of the provisions of this Act. Right of the Lieutenant-Governor in Council to make regulations.
53. The provisions of sections 2, 3, 4, 5, 6 and 7 of this Act shall apply to crematoria or columbaria, in the same manner as the said sections apply to a cemetery. Approval of site, etc., by Department.
4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

No. 73

1932

BILL

An Act to amend The Telephone Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Telephone Act, 1932*.

Rev. Stat.,
c. 227, s. 88,
repealed.

2. Section 88 of *The Telephone Act* is repealed and the following substituted therefor:

By-laws to
be approved
by Board.

88. No by-law of an incorporated telephone company shall have any force or effect or be acted upon until approved by the Board.

Rev. Stat.,
c. 227, s. 89,
amended.

3. Section 89 of *The Telephone Act* is amended by striking out the words "established under this Act," at the end thereof, so that the section shall now read as follows:

Rev. Stat.,
c. 218.

89. The provisions of sections 189, 190 and 191 of *The Companies Act* shall not be applicable to telephone systems.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Section 88. It was generally supposed that section 88 applied to all by-laws passed by a telephone company. This has recently been seriously questioned and the amendment is for the purpose of making the meaning clear beyond doubt.

Section 89. The final words of this section at present, "established under this Act," are not only unnecessary, but are sometimes difficult to interpret. *The Telephone Act* applies to all telephone systems in Ontario and the words stricken out make the application of this section perfectly clear.

BILL

An Act to amend The Telephone Act.

1st Reading

March 3rd, 1932

2nd Reading

3rd Reading

MR. PRICE

No. 75

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to give further Power to Courts with respect to the Recovery
of Money Secured by Mortgage and Similar Matters.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 75.

1932.

BILL

An Act to give further Power to Courts with respect to the Recovery of Money Secured by Mortgage and Similar Matters.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1932*.

Proceedings
not to be
taken with-
out leave.

Foreclosure
sale, etc.

2.—(1) No person shall,—

(a) take or continue proceedings by way of foreclosure or sale or otherwise, or proceed to execution on or otherwise to the enforcement of, any judgment or order of any court, whether entered or made before or after the passing of this Act, for the recovery of principal money secured by any mortgage of land or any interest therein made or executed prior to the passing of this Act;

Exercise of
power of
sale,—
possession,
etc.

(b) take or continue any proceedings under any power of sale, or levy any distress, or take, resume or enter into possession of any land or interest therein for the recovery of principal money under any power contained in a mortgage of land, or of any interest therein, executed prior to the passing of this Act;

Forfeiting
purchase
money or
deposit.

(c) declare or take advantage of the forfeiture of any land or of any right or interest acquired therein or of any sum of money paid for or on account of the purchase money of such land or of any interest therein, or by way of deposit or otherwise, under the terms of a contract for sale or purchase made or entered into prior to the passing of this Act;

Proceedings
against
mortgagor,
etc.,
personally.

(d) take or continue any proceedings for the recovery of any part of the principal money secured by mortgage or payable as part of the purchase money of any

EXPLANATORY NOTES

Section 1. The last Act of this nature was entitled "*The Mortgagors' and Purchasers' Relief Act, 1915.*"

Section 2—(1) This section follows the Act of 1915:

(a) prohibits the taking of proceedings in court;

(b) deals with proceedings out of court;

(c) deals with forfeiture under a contract for sale;

(d) is intended to prevent proceedings on covenants.

None of these proceedings may be taken without leave of the judge.

land or any interest therein payable by the purchaser or mortgagor upon any covenant or agreement as principal or guarantor or otherwise, whether express or implied, made or entered into prior to the passing of this Act, or enforce by execution or other process any judgment obtained in respect of any such covenant or agreement;

Leave required. except by leave of a judge granted upon application as hereinafter provided.

Application. (2) The application shall be upon originating notice in accordance with the practice of the Supreme Court and shall be made:

To judge in chambers or local judge. (a) in every case in which it is sought to commence or continue proceedings in the Supreme Court, in the county of York to a judge of the Supreme Court sitting in chambers, and in any other county or in a district to the local judge of the Supreme Court sitting in chambers, or to a judge of the Supreme Court sitting in chambers;

Where proceedings not in court. (b) in every case in which it is sought to exercise some right or remedy or take any proceeding or do any act out of court in the county of York to a judge of the Supreme Court sitting in chambers, and in any other county or in a district to the local judge of the Supreme Court, or to a judge of the Supreme Court sitting in chambers;

To judge of district or county court. (c) in every case in which it is sought to take or continue proceedings in a county, district or division court, to the judge of the proper county, district or division court.

Forfeiture not to take effect until order made. 3.—(1) Subject to the provisions hereinafter contained, no forfeiture of any interest acquired under a contract for the sale or purchase of land or any interest therein, given, made or entered into prior to the passing of this Act shall take effect or be deemed to have taken effect until after an order made by a judge as provided for in section 2.

Postponement of mortgage payments not to affect agreement for partial discharges. (2) Subject to the provisions hereinafter contained no principal money secured or payable by any mortgage of or contract for purchase or sale of land, made or entered into prior to the passing of this Act, shall be deemed to be due or in default so as to affect or make inoperative any provisions therein for discharging, releasing or conveying any portion or portions of the land thereunder in accordance with the terms or provisions therefor in such mortgage or contract contained, the operation of such provisions being hereby extended so

(2) This follows the Act of 1915 and provides for the manner in which the application for leave is to be made.

Section 3—(1) This deals with cases of forfeiture under contracts for the purchase of land and provides that leave must be procured as provided in section 2.

(2) This is intended to prevent the forfeiture of the right to a partial discharge or partial conveyance.

long as the payment of such principal is not enforceable under the provisions of this Act; provided, however, that should the vendor or mortgagee claim a readjustment of the amount to be paid for a discharge, release or conveyance of one or more portions in order to ensure sufficient security for the amount of principal remaining unpaid, upon failure to agree thereon such claim shall be settled by the judge.

Exceptions.

4.—(1) Subject to the provisions hereinafter contained, sections 2 and 3 shall not apply to any contract for sale or purchase or to any mortgage made or entered into after the passing of this Act, or to any extension or renewal made or entered into after the passing of this Act of a mortgage made or entered into prior to that date where such extension or renewal is for not less than three years and the rate of interest provided for in the original mortgage is not increased by such extension or renewal, nor to the proceedings taken for the recovery of interest (including arrears of interest which may under the terms of any such mortgage or extension or renewal have been or may be added to the principal money secured thereby) or rent or taxes or insurance or other disbursements for which the mortgagor was liable in the first instance, and as to which he is in default, nor to any proceedings or act done by a mortgagee in possession on the day of the passing of this Act with respect to the land or interest in land of which he is the mortgagee, nor to proceedings taken for the recovery of interest, taxes or insurance or other disbursements payable by the mortgagor in the first instance under a mortgage and paid or tendered on his default by the holder of a subsequent mortgage of the same lands.

Exception as to mortgage to secure bonds of corporation.

(2) Nothing in this Act shall apply to or affect any right or remedy now exercisable for the enforcement of any mortgage or other security of a like nature made or entered into for the purpose of securing the bonds or debentures of any corporation, but the holders of any such bonds or debentures, and any trustee for them, or the mortgagee named in any such mortgage as trustee or otherwise shall have and may exercise any such right or remedy whether the same is conferred by the general law or acquired under any such mortgage or other security as fully and effectually as if this Act had not been passed.

Remedies reserved in excepted cases.

(3) Where default is made in payment of interest, rent, taxes, insurance or other disbursements which the mortgagor or purchaser has covenanted or undertaken to pay, the mortgagee or vendor, his assignee or personal representative shall have the same remedies, and may exercise them to the same extent, and the consequences of such default shall in all respects be the same as if this Act had not been passed,

Section 4—(1) This was in the Act of 1915 and contains the exceptions,—that is to say, renewals made after the passing of this Act in certain cases, interest, taxes and insurance, etc., if the mortgagor or purchaser is in default in respect of these.

(2) This excepts what are known as “bond mortgages.”

(3) Where interest, taxes, insurance, etc., are in arrears the mortgagee or vendor will have the same rights as at present.

but where such interest, rent, taxes or other disbursements are paid into court or tendered to the mortgagee, vendor, assignee or personal representative he shall not continue any proceedings already commenced by him without the order required by section 2 or by section 3, as the case may be, except that in the case of the money being paid into court the plaintiff shall, if he so elects, have the right to take the money out of court and tax the costs of the proceedings as provided by the Consolidated Rules of Practice in an ordinary action; and in the case of the money being tendered the mortgagee or vendor or his assignee or personal representative shall be entitled to be paid costs of the proceedings already taken, the amount of such costs if not agreed upon to be taxed by the taxing officer of the Supreme Court in the county where the person taking the proceedings resides.

Powers of
judge on
application.

5.—(1) On any application the judge may grant the leave applied for, or if he is of opinion that time should be given to the person liable to make any payment, the judge may, in his absolute discretion, after considering all the circumstances of the case and the position of all the parties, by order refuse to permit the exercise of any right or remedy, or may stay execution or postpone any forfeiture as the case may be, for such time and subject to such conditions as he thinks fit.

Service of
notices.

(2) The judge may give directions as to the service of notice of the hearing of the application upon any person whom he deems a proper party to the proceedings, and may adjourn the hearing for that purpose, or he may dispense with service of the notice of the application upon any party who appears to have abandoned his interest in the property if the judge considers that service of the notice would occasion useless or unnecessary expense or delay.

Evidence on
application.

6. It shall not be necessary to support any such application by affidavit or other evidence, except such evidence, if any, as may be necessary to show the nature and extent of the relief required, but if any contest arises between the parties the judge to whom the application is made may make such requirements or give such directions as to evidence on the part of any party as the judge may deem proper.

Terms of
order.

7. The order may provide for the giving of any undertaking, or the deposit in court or otherwise of any security, or the appointment of a receiver or the granting of an injunction.

Costs.

8. The costs of the application shall be in the discretion of the judge, who shall fix the amount of the same, and by whom they shall be paid, and he may direct that they be added to

Section 5—(1) This gives the judge discretion as to granting or refusing leave.

(2) This deals with practice.

Section 6. This is taken from the Act of 1915 and is intended to prevent unnecessary expense. There will be no, or very little, need for evidence.

Section 7. This provides for additional security as a condition of refusing leave.

Section 8. Costs are always in the discretion of the judge but in order to prevent unnecessary expense the amount of costs is limited to \$15 where the amount involved is less than \$3,000.

the mortgage or other debt, but in the case of any mortgage or other contract on which there is owing less than \$3,000 the costs shall not be fixed at a greater amount than \$15.

Reviewing,
varying, etc.,
order.

9. An order made under this Act may, if subsequent circumstances render it just so to do, be suspended or discharged or otherwise varied or altered upon application to a judge or local judge of the Supreme Court, or to the judge of the proper county or district or division court as the case may be.

Order of
judge at
trial.

10. Where an action or other proceeding has been taken in court upon a mortgage or contract to which section 2 applies upon the trial of any issue arising in the action or proceedings, the judge, whether an application or order has or has not been made as provided by section 2, may exercise the discretion and make the order provided for by that section or by section 5.

Powers
under Act
to be
additional.

11. The powers conferred by this Act shall be in addition to and not in derogation of any other powers of the court.

Rules.

12. The powers of the Supreme Court to prescribe rules shall apply to the making of rules for carrying into effect the provisions of this Act and for regulating the practice and procedure under it where the same are not regulated by the existing rules.

Application
of Act.

13. The provisions of this Act shall apply to any actions or proceedings which are taken in any court in Ontario, notwithstanding that the lands in question in the action or proceeding are situate without Ontario or the agreement or mortgage or other contract was made and entered into outside Ontario.

Duration
of Act.

14. The Lieutenant-Governor in Council may at any time terminate the operation of this Act or provide that this Act shall have effect subject to such limitations as may be contained in the Order-in-Council, but subject to the operation of such Order-in-Council this Act shall have effect as from the day upon which it receives the Royal Assent and shall remain in force until the expiration of thirty days from the close of the next Session of the Legislature.

Section 9. This gives the judge, where circumstances have changed, power to vary the order.

Section 10. Where proceedings have been taken in Court on a mortgage or contract the judge will have the same powers as are conferred by section 2 or section 5.

Section 11. There are rules which permit extension of time, etc., and this section is intended to make it clear that the Act prevails.

Section 12. This is the ordinary section providing for the making of rules to carry out the Act.

Section 13. This makes it plain that the lands in question may be situate out of Ontario.

Section 14. A somewhat similar provision was contained in the Act of 1915.

BILL

An Act to give further Power to Courts
with respect to the Recovery of
Money Secured by Mortgage
and Similar Matters.

1st Reading

February 11th, 1932

2nd Reading

3rd Reading

MR. PRICE

No. 75

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to give further Power to Courts with respect to the Recovery
of Money Secured by Mortgage and Similar Matters.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 75.

1932.

BILL

An Act to give further Power to Courts with respect to the Recovery of Money Secured by Mortgage and Similar Matters.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1932.*

"Judge",—
meaning of. **2.**—(1) "Judge" shall mean the Master in the county of York, and in any other county or district, the local judge of the Supreme Court.

Proceedings
not to be
taken with-
out leave.

(2) No person shall,—

Foreclosure
sale, etc.

(a) take or continue proceedings by way of foreclosure or sale or otherwise, or proceed to execution on or otherwise to the enforcement of, any judgment or order of any court, whether entered or made before or after the passing of this Act, for the recovery of principal money secured by any mortgage of land or any interest therein made or executed prior to the passing of this Act;

Exercise of
power of
sale,—
possession,
etc.

(b) take or continue any proceedings under any power of sale, or levy any distress, or take, resume or enter into possession of any land or interest therein for the recovery of principal money under any power contained in a mortgage of land, or of any interest therein, executed prior to the passing of this Act;

Forfeiting
purchase
money or
deposit.

(c) declare or take advantage of the forfeiture of any land or of any right or interest acquired therein or of any sum of money paid for or on account of the purchase money of such land or of any interest therein, or by way of deposit or otherwise, under the terms of a contract for sale or purchase made or entered into prior to the passing of this Act;

EXPLANATORY NOTES

Section 1. The last Act of this nature was entitled "*The Mortgagees' and Purchasers' Relief Act, 1915.*"

Section 2—(1) "Judge" defined.

(2) This section follows the Act of 1915:

(a) prohibits the taking of proceedings in court;

(b) deals with proceedings out of court;

(c) deals with forfeiture under a contract for sale;

Proceedings
against
mortgagor,
etc.,
personally.

- (d) take or continue any proceedings for the recovery of any part of the principal money secured by mortgage or payable as part of the purchase money of any land or any interest therein payable by the purchaser or mortgagor or by any other person as principal or guarantor or otherwise upon any covenant or agreement as principal or guarantor or otherwise, whether express or implied, made or entered into prior to the passing of this Act, or enforce by execution or other process any judgment obtained in respect of any such covenant or agreement;

Leave
required.

except by leave of a judge granted upon application as hereinafter provided; provided also that any action or proceeding whether in or out of court which has been taken between the 1st day of February, 1932, and the day on which this Act receives the Royal Assent may upon leave of the judge, as provided by this Act, be continued.

Application.

(3) The application shall be upon originating notice in accordance with the practice of the Supreme Court and shall be made:

To Master or
local judge.

- (a) in every case in which it is sought to commence or continue proceedings in the Supreme Court, in the county of York to the Master, and in any other county or in a district to the local judge of the Supreme Court sitting in chambers;

Where
proceedings
not in court.

- (b) in every case in which it is sought to exercise some right or remedy or take any proceeding or do any act out of court in the county of York to the Master, and in any other county or in a district to the local judge of the Supreme Court;

To judge of
district or
county
court.

- (c) in every case in which it is sought to take or continue proceedings in a county, district or division court, to the judge of the proper county, district or division court.

Forfeiture
not to take
effect until
order made.

3.—(1) Subject to the provisions hereinafter contained, no forfeiture of any interest acquired under a contract for the sale or purchase of land or any interest therein, given, made or entered into prior to the passing of this Act shall take effect or be deemed to have taken effect until after an order made by a judge as provided for in section 2.

Postpone-
ment of
mortgage
payments
not to affect
agreement
for partial
discharges.

(2) Subject to the provisions hereinafter contained no principal money secured or payable by any mortgage of or contract for purchase or sale of land, made or entered into

(d) is intended to prevent proceedings on covenants.

None of these proceedings may be taken without leave of the judge.

(3) This follows the Act of 1915 and provides for the manner in which the application for leave is to be made.

Section 3—(1) This deals with cases of forfeiture under contracts for the purchase of land and provides that leave must be procured as provided in section 2.

(2) This is intended to prevent the forfeiture of the right to a partial discharge or partial conveyance.

prior to the passing of this Act, shall be deemed to be due or in default so as to affect or make inoperative any provisions therein for discharging, releasing or conveying any portion or portions of the land thereunder in accordance with the terms or provisions therefor in such mortgage or contract contained, the operation of such provisions being hereby extended so long as the payment of such principal is not enforceable under the provisions of this Act; provided, however, that should the vendor or mortgagee claim a readjustment of the amount to be paid for a discharge, release or conveyance of one or more portions in order to ensure sufficient security for the amount of principal remaining unpaid, upon failure to agree thereon such claim shall be settled by the judge.

Exceptions.

4.—(1) Subject to the provisions hereinafter contained, sections 2 and 3 shall not apply to any contract for sale or purchase or to any mortgage made or entered into after the passing of this Act, or to any extension or renewal made or entered into after the passing of this Act of a mortgage made or entered into prior to that date where such extension or renewal is for not less than three years and the rate of interest provided for in the original mortgage is not increased by such extension or renewal, nor to the proceedings taken for the recovery of interest (including arrears of interest which may under the terms of any such mortgage or extension or renewal have been or may be added to the principal money secured thereby) or rent or taxes or insurance or other disbursements for which the mortgagor was liable in the first instance, and as to which he is in default, nor to any proceedings or act done by a mortgagee in possession on the day of the passing of this Act with respect to the land or interest in land of which he is the mortgagee, nor to proceedings taken for the recovery of interest, taxes or insurance or other disbursements payable by the mortgagor in the first instance under a mortgage and paid or tendered on his default by the holder of a subsequent mortgage of the same lands.

Exception
as to
mortgage to
secure bonds
of
corporation.

(2) Nothing in this Act shall apply to or affect any right or remedy now exercisable for the enforcement of any mortgage or other security of a like nature made or entered into for the purpose of securing the bonds or debentures of any corporation, but the holders of any such bonds or debentures, and any trustee for them, or the mortgagee named in any such mortgage as trustee or otherwise shall have and may exercise any such right or remedy whether the same is conferred by the general law or acquired under any such mortgage or other security as fully and effectually as if this Act had not been passed.

Section 4—(1) This was in the Act of 1915 and contains the exceptions,—that is to say, renewals made after the passing of this Act in certain cases, interest, taxes and insurance, etc., if the mortgagor or purchaser is in default in respect of these.

(2) This excepts what are known as "bond mortgages."

Remedies
reserved in
excepted
cases

(3) Where default is made in payment of interest, rent, taxes, insurance or other disbursements which the mortgagor or purchaser has covenanted or undertaken to pay, the mortgagee or vendor, his assignee or personal representative shall have the same remedies, and may exercise them to the same extent, and the consequences of such default shall in all respects be the same as if this Act had not been passed, but where such interest, rent, taxes or other disbursements are paid into court or tendered to the mortgagee, vendor, assignee or personal representative he shall not continue any proceedings already commenced by him without the order required by section 2 or by section 3, as the case may be, except that in the case of the money being paid into court the plaintiff shall, if he so elects, have the right to take the money out of court and tax the costs of the proceedings as provided by the Consolidated Rules of Practice in an ordinary action; and in the case of the money being tendered the mortgagee or vendor or his assignee or personal representative shall be entitled to be paid costs of the proceedings already taken, the amount of such costs if not agreed upon to be taxed by the taxing officer of the Supreme Court in the county where the person taking the proceedings resides.

Powers of
judge on
application.

5.—(1) On any application the judge may grant the leave applied for, or if he is of opinion that time should be given to the person liable to make any payment, the judge may, in his absolute discretion, after considering all the circumstances of the case and the position of all the parties, by order refuse to permit the exercise of any right or remedy, or may stay execution or postpone any forfeiture as the case may be, for such time and subject to such conditions as he thinks fit.

Service of
notices.

(2) The judge may give directions as to the service of notice of the hearing of the application upon any person whom he deems a proper party to the proceedings, and may adjourn the hearing for that purpose, or he may dispense with service of the notice of the application upon any party who appears to have abandoned his interest in the property if the judge considers that service of the notice would occasion useless or unnecessary expense or delay.

Evidence on
application.

6. It shall not be necessary to support any such application by affidavit or other evidence, except such evidence, if any, as may be necessary to show the nature and extent of the relief required, but if any contest arises between the parties the judge to whom the application is made may make such requirements or give such directions as to evidence on the part of any party as the judge may deem proper.

Terms of
order.

7. The order may provide for the giving of any under-

(3) Where interest, taxes, insurance, etc., are in arrears the mortgagee or vendor will have the same rights as at present.

Section 5.—(1) This gives the judge discretion as to granting or refusing leave.

(2) This deals with practice.

* Section 6. This is taken from the Act of 1915 and is intended to prevent unnecessary expense. There will be no, or very little, need for evidence.

Section 7. This provides for additional security as a condition of refusing leave.

taking, or the deposit in court or otherwise of any security, or the appointment of a receiver or the granting of an injunction.

Costs.

8. The costs of the application shall be in the discretion of the judge, who shall fix the amount of the same, and by whom they shall be paid, and he may direct that they be added to the mortgage or other debt, but in the case of any mortgage or other contract on which there is owing less than \$3,000 the costs shall not be fixed at a greater amount than \$15.

Reviewing,
varying, etc.,
order.

9. An order made under this Act may, if subsequent circumstances render it just so to do, be suspended or discharged or otherwise varied or altered upon application to a judge or local judge of the Supreme Court, or to the judge of the proper county or district or division court as the case may be.

Order of
judge at
trial.

10. Where an action or other proceeding has been taken in court upon a mortgage or contract to which section 2 applies upon the trial of any issue arising in the action or proceedings, the judge, whether an application or order has or has not been made as provided by section 2, may exercise the discretion and make the order provided for by that section or by section 5.

Powers
under Act
to be
additional.

11. The powers conferred by this Act shall be in addition to and not in derogation of any other powers of the court.

Rules.

12. The powers of the Supreme Court to prescribe rules shall apply to the making of rules for carrying into effect the provisions of this Act and for regulating the practice and procedure under it where the same are not regulated by the existing rules.

Application
of Act.

13. The provisions of this Act shall apply to any actions or proceedings which are taken in any court in Ontario, notwithstanding that the lands in question in the action or proceeding are situate without Ontario or the agreement or mortgage or other contract was made and entered into outside Ontario.

Duration
of Act.

14. The Lieutenant-Governor in Council may at any time terminate the operation of this Act or provide that this Act shall have effect subject to such limitations as may be contained in the Order-in-Council, but subject to the operation of such Order-in-Council this Act shall have effect as from the 1st day of February, 1932, and shall remain in force until the expiration of thirty days from the close of the next Session of the Legislature.

Section 8. Costs are always in the discretion of the judge but in order to prevent unnecessary expense the amount of costs is limited to \$15 where the amount involved is less than \$3,000.

Section 9. This gives the judge, where circumstances have changed, power to vary the order.

Section 10. Where proceedings have been taken in Court on a mortgage or contract the judge will have the same powers as are conferred by section 2 or section 5.

Section 11. There are rules which permit extension of time, etc., and this section is intended to make it clear that the Act prevails.

Section 12. This is the ordinary section providing for the making of rules to carry out the Act.

Section 13. This makes it plain that the lands in question may be situate out of Ontario.

Section 14. A somewhat similar provision was contained in the Act of 1915.

BILL

An Act to give further Power to Courts
with respect to the Recovery of
Money Secured by Mortgage
and Similar Matters.

1st Reading

February 11th, 1932

2nd Reading

February 15th, 1932

3rd Reading

MR. PRICE

(*Reprinted as amended in Committee of
the Whole House.*)

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

**An Act to give further Power to Courts with respect to the Recovery
of Money Secured by Mortgage and Similar Matters.**

MR. PRICE

BILL

An Act to give further Power to Courts with respect to the Recovery of Money Secured by Mortgage and Similar Matters.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1932*.

"Judge",—
meaning of **2.—(1)** "Judge" shall mean the Master in the county of York, and in any other county or district, the local judge of the Supreme Court.

Proceedings
not to be
taken with-
out leave.

(2) No person shall,—

Foreclosure
sale, etc.

(a) take or continue proceedings by way of foreclosure or sale or otherwise, or proceed to execution on or otherwise to the enforcement of, any judgment or order of any court, whether entered or made before or after the passing of this Act, for the recovery of principal money secured by any mortgage of land or any interest therein made or executed prior to the passing of this Act;

Exercise of
power of
sale,—
possession,
etc.

(b) take or continue any proceedings under any power of sale, or levy any distress, or take, resume or enter into possession of any land or interest therein for the recovery of principal money under any power contained in a mortgage of land, or of any interest therein, executed prior to the passing of this Act;

Forfeiting
purchase
money or
deposit.

(c) declare or take advantage of the forfeiture of any land or of any right or interest acquired therein or of any sum of money paid for or on account of the purchase money of such land or of any interest therein, or by way of deposit or otherwise, under the terms of a contract for sale or purchase made or entered into prior to the passing of this Act;

- (d) take or continue any proceedings for the recovery of ^{Proceedings against mortgagor, etc., personally.} any part of the principal money secured by mortgage or payable as part of the purchase money of any land or any interest therein payable by the purchaser or mortgagor or by any other person as principal or guarantor or otherwise upon any covenant or agreement as principal or guarantor or otherwise, whether express or implied, made or entered into prior to the passing of this Act, or enforce by execution or other process any judgment obtained in respect of any such covenant or agreement;

except by leave of a judge granted upon application as ^{Leave required} hereinafter provided; provided also that any action or proceeding whether in or out of court which has been taken between the 1st day of February, 1932, and the day on which this Act receives the Royal Assent may upon leave of the judge, as provided by this Act, be continued,

(3) The application shall be upon originating notice in ^{Application.} accordance with the practice of the Supreme Court and shall be made:

- (a) in every case in which it is sought to commence or ^{To Master or local judge.} continue proceedings in the Supreme Court, in the county of York to the Master, and in any other county or in a district to the local judge of the Supreme Court sitting in chambers;
- (b) in every case in which it is sought to exercise some ^{Where proceedings not in court.} right or remedy or take any proceeding or do any act out of court in the county of York to the Master, and in any other county or in a district to the local judge of the Supreme Court;
- (c) in every case in which it is sought to take or continue ^{To judge of district or county court.} proceedings in a county, district or division court, to the judge of the proper county, district or division court.

3.—(1) Subject to the provisions hereinafter contained, no ^{Forfeiture not to take effect until order made.} forfeiture of any interest acquired under a contract for the sale or purchase of land or any interest therein, given, made or entered into prior to the passing of this Act shall take effect or be deemed to have taken effect until after an order made by a judge as provided for in section 2.

(2) Subject to the provisions hereinafter contained no ^{Postponement of mortgage payments not to affect agreement for partial discharges.} principal money secured or payable by any mortgage of or contract for purchase or sale of land, made or entered into

prior to the passing of this Act, shall be deemed to be due or in default so as to affect or make inoperative any provisions therein for discharging, releasing or conveying any portion or portions of the land thereunder in accordance with the terms or provisions therefor in such mortgage or contract contained, the operation of such provisions being hereby extended so long as the payment of such principal is not enforceable under the provisions of this Act; provided, however, that should the vendor or mortgagee claim a readjustment of the amount to be paid for a discharge, release or conveyance of one or more portions in order to ensure sufficient security for the amount of principal remaining unpaid, upon failure to agree thereon such claim shall be settled by the judge.

Exceptions.

4.—(1) Subject to the provisions hereinafter contained, sections 2 and 3 shall not apply to any contract for sale or purchase or to any mortgage made or entered into after the passing of this Act, or to any extension or renewal made or entered into after the passing of this Act of a mortgage made or entered into prior to that date where such extension or renewal is for not less than three years and the rate of interest provided for in the original mortgage is not increased by such extension or renewal, nor to the proceedings taken for the recovery of interest (including arrears of interest which may under the terms of any such mortgage or extension or renewal have been or may be added to the principal money secured thereby) or rent or taxes or insurance or other disbursements for which the mortgagor was liable in the first instance, and as to which he is in default, nor to any proceedings or act done by a mortgagee in possession on the day of the passing of this Act with respect to the land or interest in land of which he is the mortgagee, nor to proceedings taken for the recovery of interest, taxes or insurance or other disbursements payable by the mortgagor in the first instance under a mortgage and paid or tendered on his default by the holder of a subsequent mortgage of the same lands.

Exception
as to
mortgage to
secure bonds
of
corporation.

(2) Nothing in this Act shall apply to or affect any right or remedy now exercisable for the enforcement of any mortgage or other security of a like nature made or entered into for the purpose of securing the bonds or debentures of any corporation, but the holders of any such bonds or debentures, and any trustee for them, or the mortgagee named in any such mortgage as trustee or otherwise shall have and may exercise any such right or remedy whether the same is conferred by the general law or acquired under any such mortgage or other security as fully and effectually as if this Act had not been passed.

(3) Where default is made in payment of interest, rent, taxes, insurance or other disbursements which the mortgagor or purchaser has covenanted or undertaken to pay, the mortgagee or vendor, his assignee or personal representative shall have the same remedies, and may exercise them to the same extent, and the consequences of such default shall in all respects be the same as if this Act had not been passed, but where such interest, rent, taxes or other disbursements are paid into court or tendered to the mortgagee, vendor, assignee or personal representative he shall not continue any proceedings already commenced by him without the order required by section 2 or by section 3, as the case may be, except that in the case of the money being paid into court the plaintiff shall, if he so elects, have the right to take the money out of court and tax the costs of the proceedings as provided by the Consolidated Rules of Practice in an ordinary action; and in the case of the money being tendered the mortgagee or vendor or his assignee or personal representative shall be entitled to be paid costs of the proceedings already taken, the amount of such costs if not agreed upon to be taxed by the taxing officer of the Supreme Court in the county where the person taking the proceedings resides.

Remedies reserved in excepted cases

5.—(1) On any application the judge may grant the leave applied for, or if he is of opinion that time should be given to the person liable to make any payment, the judge may, in his absolute discretion, after considering all the circumstances of the case and the position of all the parties, by order refuse to permit the exercise of any right or remedy, or may stay execution or postpone any forfeiture as the case may be, for such time and subject to such conditions as he thinks fit.

Powers of judge on application.

(2) The judge may give directions as to the service of notice of the hearing of the application upon any person whom he deems a proper party to the proceedings, and may adjourn the hearing for that purpose, or he may dispense with service of the notice of the application upon any party who appears to have abandoned his interest in the property if the judge considers that service of the notice would occasion useless or unnecessary expense or delay.

Service of notices.

6. It shall not be necessary to support any such application by affidavit or other evidence, except such evidence, if any, as may be necessary to show the nature and extent of the relief required, but if any contest arises between the parties the judge to whom the application is made may make such requirements or give such directions as to evidence on the part of any party as the judge may deem proper.

Evidence on application.

7. The order may provide for the giving of any under-

Terms of order

taking, or the deposit in court or otherwise of any security, or the appointment of a receiver or the granting of an injunction.

Costs.

8. The costs of the application shall be in the discretion of the judge, who shall fix the amount of the same, and by whom they shall be paid, and he may direct that they be added to the mortgage or other debt, but in the case of any mortgage or other contract on which there is owing less than \$3,000 the costs shall not be fixed at a greater amount than \$15.

Reviewing,
varying, etc.,
order.

9. An order made under this Act may, if subsequent circumstances render it just so to do, be suspended or discharged or otherwise varied or altered upon application to a judge or local judge of the Supreme Court, or to the judge of the proper county or district or division court as the case may be.

Order of
judge at
trial.

10. Where an action or other proceeding has been taken in court upon a mortgage or contract to which section 2 applies upon the trial of any issue arising in the action or proceedings, the judge, whether an application or order has or has not been made as provided by section 2, may exercise the discretion and make the order provided for by that section or by section 5.

Powers
under Act
to be
additional.

11. The powers conferred by this Act shall be in addition to and not in derogation of any other powers of the court.

Rules.

12. The powers of the Supreme Court to prescribe rules shall apply to the making of rules for carrying into effect the provisions of this Act and for regulating the practice and procedure under it where the same are not regulated by the existing rules.

Application
of Act.

13. The provisions of this Act shall apply to any actions or proceedings which are taken in any court in Ontario, notwithstanding that the lands in question in the action or proceeding are situate without Ontario or the agreement or mortgage or other contract was made and entered into outside Ontario.

Duration
of Act.

14. The Lieutenant-Governor in Council may at any time terminate the operation of this Act or provide that this Act shall have effect subject to such limitations as may be contained in the Order-in-Council, but subject to the operation of such Order-in-Council this Act shall have effect as from the 1st day of February, 1932, and shall remain in force until the expiration of thirty days from the close of the next Session of the Legislature.

BILL

An Act to give further Power to Courts
with respect to the Recovery of
Money Secured by Mortgage
and Similar Matters.

1st Reading

February 11th, 1932

2nd Reading

February 15th, 1932

3rd Reading

March 4th, 1932

MR. PRICE

No. 76

3RD SESSION, 18TH LEGISLATURE, ONTARIO

22 GEORGE V, 1932

BILL

An Act to aid in the Prevention and Settlement of Industrial Disputes.

MR. MONTEITH

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 76

1932

BILL

An Act to aid in the Prevention and Settlement
of Industrial Disputes.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Short title. **1.** This Act may be cited as *The Industrial Disputes Investigation Act, 1932*.

Adoption of
1907,
c. 20
(Dom.)

2. *The Industrial Disputes Investigation Act*, being chapter 20 of the Statutes of Canada, 1907, shall be deemed to apply to disputes in relation to employment upon or in connection with any work, undertaking or business which is within the legislative authority of Ontario in the same manner and with the same effect as to such work, undertaking or business as if the provisions of the said Act had been enacted by this Legislature and set out in full in the statutes of Ontario.

Repeal.

3. *The Trade Disputes Act*, being chapter 178 of the Revised Statutes of Ontario, 1927, is repealed.

Commence-
ment of
Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Some years ago the Privy Council decided that *The Industrial Disputes Investigation Act* was invalid upon the ground that it dealt with matters which were not within the legislative control of Parliament.

It is apparently thought very desirable that the Act should be adopted by the Provinces in some way and this Bill is intended to do this without setting out all the provisions of the Dominion Act.

The Trade Disputes Act, which was enacted in the early nineties, never came into operation.

BILL

An Act to aid in the Prevention and
Settlement of Industrial Disputes.

1st Reading

February 11th, 1932

2nd Reading

3rd Reading

MR. MONTEITH

No. 76

3RD SESSION, 18TH LEGISLATURE, ONTARIO

22 GEORGE V, 1932

BILL

An Act to aid in the Prevention and Settlement of Industrial Disputes.

MR. MONTEITH

TORONTO

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No. 76


1932

BILL

An Act to aid in the Prevention and Settlement
of Industrial Disputes.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:


Short title. **1.** This Act may be cited as *The Industrial Disputes Investigation Act, 1932*.

Adoption
of R.S.C.
1927, c. 112.  **2.** The provisions of the *Industrial Disputes Investigation Act*, being chapter 112 of the Revised Statutes of Canada, 1927, shall apply to every industrial dispute of the nature in the said Act defined which is within or subject to the exclusive legislative jurisdiction of the Province.

Adoption
of future
enactments
by procla-
mation. **3.** The Lieutenant-Governor in Council may by proclamation apply the provisions of any amendment to the said Act which may hereafter be enacted by the Parliament of Canada to every industrial dispute of the nature in the said Act defined which is within or subject to the exclusive legislative jurisdiction of the Province whereupon those provisions shall apply accordingly.

Saving. **4.** Nothing in this Act contained shall apply to or affect any Commission the members of which are appointed by the Crown.

Repeal. **5.** *The Trade Disputes Act*, being chapter 178 of the Revised Statutes of Ontario, 1927, is repealed.

Commence-
ment of Act. **6.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. 

EXPLANATORY NOTES

Some years ago the Privy Council decided that *The Industrial Disputes Investigation Act* was invalid upon the ground that it dealt with matters which were not within the legislative control of Parliament.

It is apparently thought very desirable that the Act should be adopted by the Provinces in some way and this Bill is intended to do this without setting out all the provisions of the Dominion Act.

The Trade Disputes Act, which was enacted in the early nineties, never came into operation.

BILL

An Act to aid in the Prevention and Settlement of Industrial Disputes.

1st Reading

February 11th, 1932

2nd Reading

March 2nd, 1932

3rd Reading

MR. MONTEITH

(Reprinted as amended by Committee of the Whole House).

No. 76

3RD SESSION, 18TH LEGISLATURE, ONTARIO

22 GEORGE V, 1932

BILL

An Act to aid in the Prevention and Settlement of Industrial Disputes.

MR. MONTEITH

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to aid in the Prevention and Settlement
of Industrial Disputes.

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gation Act, being chapter 112 of the Revised Statutes of
Canada, 1927, shall apply to every industrial dispute of the
nature in the said Act defined which is within or subject to
the exclusive legislative jurisdiction of the Province.

Adoption
of future
enactments
by procla-
mation. **3.** The Lieutenant-Governor in Council may by proclama-
tion apply the provisions of any amendment to the said Act
which may hereafter be enacted by the Parliament of Canada
to every industrial dispute of the nature in the said Act
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jurisdiction of the Province whereupon those provisions shall
apply accordingly.

Saving. **4.** Nothing in this Act contained shall apply to or affect
any Commission the members of which are appointed by the
Crown.

Repeal. **5.** *The Trade Disputes Act*, being chapter 178 of the
Revised Statutes of Ontario, 1927, is repealed.

Commence-
ment of Act. **6.** This Act shall come into force on a day to be named
by the Lieutenant-Governor by his Proclamation.

BILL

An Act to aid in the Prevention and Settlement of Industrial Disputes.

1st Reading

February 11th, 1932

2nd Reading

March 2nd, 1932

3rd Reading

March 25th, 1932

MR. MONTEITH

No. 77

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Minimum Wage Act.

MR. MONTEITH

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 77

1932

BILL

An Act to amend The Minimum Wage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Minimum Wage Act, 1932*.

Rev. Stat.,
c. 277,
s. 1, cl. g,
amended.

2. The clause lettered g in section 1 of *The Minimum Wage Act* is repealed and the following substituted therefor:

"Wages."

(g) "Wage or wages" shall mean any compensation for labour or services, measured by time, piece or otherwise.

Rev. Stat.,
c. 277,
amended.

3. *The Minimum Wage Act* is amended by adding thereto the following section:

Delegating
authority.

10a. The Board may, by unanimous vote, delegate the authority and powers granted under section 10 of this Act to one or more of its members.

Rev. Stat.,
c. 277, s. 20,
amended.

4. Section 20 of *The Minimum Wage Act* is amended by inserting after the word "affixed" in the fourth line the words "by the employer," and by striking out the word and figures "section 24" in the fifth line and inserting in lieu thereof the words and figures "sections 24 and 25" so that the section will now read as follows:

Notice of
order.

20. The Board may direct that notice of such order be posted in such positions as to be easily read by the employees in each factory, shop, and office building or other establishment concerned. The notice shall be affixed by the employer and kept posted up and otherwise dealt with as provided by sections 24 and 25 of *The Factory, Shop and Office Building Act*.

Rev. Stat.,
c. 275.

Rev. Stat.,
c. 277, s. 21,
subs. 1,
amended.

5.—(1) Subsection 1 of section 21 of *The Minimum Wage Act* is amended by striking out the words and figures "\$500

EXPLANATORY NOTES

Section 2. The present clause *g* is as follows:

"Wages" shall mean and include wages and salary whether the employment in respect to which the same is payable is by time or by the job, or by the piece or otherwise."

The amendment is for the purpose of including remuneration other than money payments, such as board and lodging.

Section 3. Section 10 of the Act provides for investigations by the Board as to wages, hours and conditions and the inquiry is by the whole Board. The proposed section is intended to save expense and trouble by allowing the Board to delegate its powers to one or more of its members.

Section 4. This is intended to make it clear that the duty of posting up orders is imposed upon the employer. Section 20 at present does not provide for the service of orders of the Board as provided in section 25 of *The Factory, Shop and Office Building Act*. The amendment makes it clear that section 25 as well as section 24 of that Act will apply.

Section 5.—(1) In the Act as it stands penalties are high and the proposed subsection is intended to reduce them to a reasonable amount.

and not less than \$50" in the third and fourth lines and inserting in lieu thereof the words and figures "\$200 and not less than \$20," so that the subsection will now read as follows:

Penalties.

- (1) Every employer who contravenes any order of the Board in regard to wages or hours shall be guilty of an offence and shall incur a penalty not exceeding \$200 and not less than \$20 for each employee affected and in addition thereto shall upon conviction be ordered to pay to such employees the difference between the wages actually received and the wages established by the Board.

Rev. Stat.,
c. 277, s. 21,
amended.

- (2) The said section 21 is further amended by adding thereto the following subsections:

Records to
be kept by
employers.

- (3) Every employer shall keep records setting forth the names, addresses, rates of wages, hours of labour, actual earnings and actual time spent in work of all employees and the ages of those employees under eighteen years, and these records shall be open at all times during business hours for inspection and examination by any member or representative of the Board, and copies therefrom shall be furnished when requested by the Board.

Penalty for
refusing.

- (4) Every employer who fails to keep the records lawfully required, or refuses to furnish any returns or information which may be lawfully required, or who hinders or obstructs any member or representative of the Board in the performance of his duties under this Act shall incur a penalty not exceeding \$20 and not less than \$10.

Penalty for
falsifying
records.

- (5) Every employer who falsifies his records or supplies incomplete or untrue information to the Board shall be guilty of an offence and shall incur a penalty not exceeding \$300 and not less than \$50.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

(2) The subsections added are intended to enable the Board to obtain information necessary for its work.

BILL

An Act to amend The Minimum Wage Act.

1st Reading

February 11th, 1932

2nd Reading

3rd Reading

MR. MONTEITH

No. 77

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Minimum Wage Act.

MR. MONTEITH

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 77

1932

BILL

An Act to amend The Minimum Wage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Minimum Wage Act, 1932*.

Rev. Stat.,
c. 277,
s. 1, cl. g,
repealed. **2.** The clause lettered g in section 1 of *The Minimum Wage Act* is repealed and the following substituted therefor:

"Wage,
or wages." (g) "Wage or wages" shall mean any compensation for labour or services, measured by time, piece or otherwise.

Rev. Stat.,
c. 277,
amended. **3.** *The Minimum Wage Act* is amended by adding thereto the following section:

Delegating
authority. 10a. The Board may, by unanimous vote, delegate the authority and powers granted under section 10 of this Act to one or more of its members.

Rev. Stat.,
c. 277, s. 20,
amended. **4.** Section 20 of *The Minimum Wage Act* is amended by inserting after the word "affixed" in the fourth line the words "by the employer," and by striking out the word and figures "section 24" in the fifth line and inserting in lieu thereof the words and figures "sections 23 and 24" so that the section shall now read as follows:

Notice of
order. 20. The Board may direct that notice of such order be posted in such positions as to be easily read by the employees in each factory, shop, and office building or other establishment concerned. The notice shall be affixed by the employer and kept posted up and otherwise dealt with as provided by sections 23 and 24 of *The Factory, Shop and Office Building Act, 1932*.

Rev. Stat.,
c. 275.

Rev. Stat.,
c. 277, s. 21,
subs. 1,
amended **5.**—(1) Subsection 1 of section 21 of *The Minimum Wage Act* is amended by striking out the words and figures "\$500

and not less than \$50" in the third and fourth lines and inserting in lieu thereof the words and figures "\$200 and not less than \$20," so that the subsection shall now read as follows:

- (1) Every employer who contravenes any order of the Board in regard to wages or hours shall be guilty of an offence and shall incur a penalty not exceeding \$200 and not less than \$20 for each employee affected and in addition thereto shall upon conviction be ordered to pay to such employees the difference between the wages actually received and the wages established by the Board. Penalties.

- (2) The said section 21 is further amended by adding thereto the following subsections: Rev. Stât.,
c. 277, s. 21,
amended.

- (3) Every employer shall keep records setting forth the names, addresses, rates of wages, hours of labour, actual earnings and actual time spent in work of all employees and the ages of those employees under eighteen years, and these records shall be open at all times during business hours for inspection and examination by any member or representative of the Board, and copies therefrom shall be furnished when requested by the Board. Records to
be kept by
employers.

- (4) Every employer who fails to keep the records lawfully required, or refuses to furnish any returns or information which may be lawfully required, or who hinders or obstructs any member or representative of the Board in the performance of his duties under this Act shall incur a penalty not exceeding \$20 and not less than \$10. Penalty for
refusing.

- (5) Every employer who falsifies his records or supplies incomplete or untrue information to the Board shall be guilty of an offence and shall incur a penalty not exceeding \$300 and not less than \$50. Penalty for
falsifying
records.

6. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

BILL

An Act to amend The Minimum Wage Act.

1st Reading

February 11th, 1932

2nd Reading

February 15th, 1932

3rd Reading

March 18th, 1932

MR. MONTETH

No. 78

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Insurance Act (respecting Automobile Insurance).

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 78

1932

BILL

An Act to amend The Insurance Act (respecting
Automobile Insurance).

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Short title. **1.** This Act may be cited as *The (Automobile) Insurance Act, 1932.*

Rev. Stat.,
c. 222,
Part VI,
repealed. **2.** Part VI of *The Insurance Act* as amended by sections
14, 15 and 16 of *The Insurance Act, 1929*, is repealed and
the following substituted therefor:

PART VI.

AUTOMOBILE INSURANCE.

- Interpreta-
tion. **169.** In this Part, unless the context otherwise requires:
- "Automobile."
"Automobile insurance."
"Contract."
"Driver's policy."
- (a) "Automobile" includes all self-propelled vehicles, their trailers, accessories and equipment, but not railway rolling stock, watercraft or aircraft of any kind;
 - (b) "Automobile insurance" means insurance against liability for loss or damage to persons or property caused by an automobile or the use or operation thereof, and against loss of or damage to an automobile;
 - (c) "Contract" includes any writing evidencing a contract, and an oral agreement;
 - (d) "Driver's policy" means a motor vehicle liability policy insuring a person named therein in respect of the operation or use by him of any automobile other than an automobile owned by him or registered in his name;

EXPLANATORY NOTES

The purpose of this Bill is to repeal Part VI of *The Ontario Insurance Act*, which relates to contracts of automobile insurance and provides what terms and conditions, including so-called "statutory conditions," may or shall be included in policies, and to substitute therefor a new Part VI embodying a general revision of the existing statute. The enactment of this Bill will also involve the repeal of subsections 1, 1a, 2, 3, 4, 7 and 8 of section 87 of *The Highway Traffic Act* (enacted by 1930, c. 47 and 1931, c. 54) which relate to the financial responsibility of motorists and declare all motor vehicle liability policies issued in the Province to be subject to certain provisions, terms and conditions therein set out.

The Bill is recommended by the Superintendents of Insurance of the provinces of Canada for uniform enactment at the current sessions of the Legislatures of all provinces.

Prior to 1930 the provincial automobile insurance statutes, including the statutory policy conditions, were substantially uniform. In 1930 and 1931 the Provinces of Manitoba, New Brunswick, Ontario and Prince Edward Island embodied so-called financial responsibility provisions in their motor vehicle statutes, which provisions prescribed the coverage, terms and conditions of all motor vehicle liability policies "notwithstanding any law or statute to the contrary." These new provisions conflicted with the provincial insurance statutes and particularly with the statutory conditions which companies were expressly required to print in their policies without change. In the result policies now in use throughout Canada contain terms and conditions which are no longer applicable to claims of third parties in some provinces such as Ontario by reason of the provisions of the motor vehicle statutes. Thus the necessity of revising the statutes to reconcile the old provisions with the new, regain uniformity in the provincial insurance statutes, make possible the issue of new understandable forms of policy and eliminate the purely insurance provisions from the motor vehicle statutes, is made apparent.

The effect of the Bill, in provinces such as Ontario which have already enacted financial responsibility statutes, is limited to incorporating in *The Insurance Act* provisions relating to motor vehicle liability policies already approved by the Legislature in its amendments to *The Highway Traffic Act*; in other provinces the Bill incorporates these provisions in the provincial statutes for the first time. These provisions are based upon the principle that every *insured* motorist should be financially responsible to victims of his negligence on the highway, quite independently of the provisions of the motor vehicle laws requiring proof of financial responsibility in certain cases, and that the insurance company should be absolutely liable to such victims notwithstanding any default or misrepresentation which, in the absence of such provisions, would constitute a valid defence by the company to any claim.

The last section provides that the Bill shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. The intention is for all provinces which enact the Bill to proclaim it effective on the same day.

- "Insured." (e) "Insured" means a person insured by a contract whether named or not;
- "Motor vehicle liability policy." (f) "Motor Vehicle Liability Policy" means a policy or that part of a policy insuring the owner or driver of an automobile against liability for loss or damage to persons or property;
- "Owner's policy." (g) "Owner's Policy" means a motor vehicle liability policy insuring a person named therein in respect of the ownership, operation or use of any automobile owned by him and designated in the policy;
- "Policy." (h) "Policy" means the instrument evidencing a contract.

Application of Part.

Application of Part. 170.—(1) This Part shall apply to automobile insurance and to any insurer carrying on the business of automobile insurance in the Province and to all contracts made in the Province on or after the date of coming into force of this Part.

Insurance of automobile by fire policy. (2) Nothing in this Part shall prevent the insurance of an automobile against loss or damage by fire under a policy of fire insurance, and in that event this Part shall not apply.

Application for Insurance.

Requirements as to written applications. 171.—(1) No insurer shall make any contract for a period exceeding fourteen days without a written application therefor, signed by the applicant or his agent, duly authorized in writing.

Persons forbidden to act as agent. (2) No person carrying on the business of financing the sale or purchase of automobiles, and no automobile dealer, insurance agent or broker, and no officer or employee of any such person, dealer, agent or broker, shall act as agent of the applicant under this section.

Application for driver's policy. (3) Every written application for a driver's policy shall set forth:

- (a) the name, address and occupation or business of the applicant;
- (b) particulars of any accident in which any automobile operated by the applicant has been involved within the three years preceding the application;

- (c) particulars of any claim made within such period against or by the applicant arising out of the use or operation of an automobile;
- (d) whether any insurer has cancelled any policy of automobile insurance of the applicant or refused automobile insurance to him;
- (e) whether any license, permit, registration certificate or other like authority, issued to the applicant under any law or statute of any province, state or country relating to automobiles, has been, or continued to be, suspended or cancelled within the three years preceding the application; and
- (f) such further information as the insurer may require or the Superintendent may prescribe.

Application
in other
cases.

- (4) Every other written application shall set forth:
 - (a) the name, address and occupation or business of the owner;
 - (b) the description of the automobile to be insured;
 - (c) its purchase price to the owner, and whether fully paid or not;
 - (d) whether purchased new or otherwise;
 - (e) particulars of any mortgage, lien or encumbrance thereon;
 - (f) the place where it is and will usually be kept;
 - (g) the locality in which and the purpose for which it is and will be chiefly used;
 - (h) particulars of any accident in which any automobile owned or operated by the owner has been involved within the three years preceding the application;
 - (i) particulars of any claim made within such period against or by the owner arising out of the use or operation of an automobile;
 - (j) whether any insurer has cancelled any policy of automobile insurance of the owner, or refused automobile insurance to him;
 - (k) whether any license, permit, registration certificate or other like authority, issued to the owner or

a member of his family and household under any law or statute of any province, state or country relating to automobiles, has, to the knowledge of the applicant, been, or continued to be, suspended or cancelled within the three years preceding the application; and

- (l) such further information as the insurer may require or the Superintendent may prescribe.

Special contracts.

(5) Where the requirements of subsections 3 or 4 are, in the opinion of the Superintendent, inapplicable to any special form of contract, the Superintendent may prescribe the form of application or vary, omit or add to those requirements.

Red ink endorsement.

(6) Upon every written application and policy there shall be printed or stamped in conspicuous type, not less in size than ten point and in red ink, a copy of subsection 1 of section 177.

Renewal of contract.

(7) Where a contract is renewed without change or only the amount of the insurance, the rate of premium or the method of rating is changed, the renewal may be effected without a written application.

Copy of application.

(8) A copy of the application, or such part thereof as is material to the contract, shall be embodied in, endorsed upon or attached to the policy when issued by the insurer.

Amendment of contract.

172. Where it is proposed to change the subject-matter of a contract by substitution or addition of one or more automobiles, the insurer may so amend the contract by an endorsement of the policy, but in that case it shall obtain a written application signed in accordance with section 171 and containing such particulars required by that section as relate to the new subject-matter.

Policy of Insurance.

Contents of policy.

173.—(1) Every policy shall set forth:

- (a) the name and address of the insurer;
- (b) the name, address, occupation or business of the insured named therein;
- (c) the premium for the insurance;
- (d) the subject-matter of the insurance;

- (e) the indemnity for which the insurer may become liable;
- (f) the event on the happening of which liability is to accrue;
- (g) the term of the insurance; and
- (h) except in case of motor vehicle liability policies, the name of the person to whom the insurance money is payable.

Discrepancy
between the
application
and the
policy.

(2) Unless otherwise expressly stated therein, any written application shall be deemed to be one for a policy embodying the terms and conditions of the insurer's corresponding standard policy form approved under this Part; and the policy shall be deemed to be in accordance with the application unless the insurer points out in writing to the insured named in the policy in what respect the policy differs from the application, and, in that event, the insured shall be deemed to have accepted the policy unless within one week from the receipt of the notification he informs the insurer in writing that he rejects the policy.

Insured
entitled to
copy.

(3) Notwithstanding any agreement, the insurer shall deliver or mail to the insured named therein the policy or a true copy thereof and every endorsement or amendment of the policy or a true copy thereof.

Statutory
conditions.

174. Subject to sections 175 and 183 j:

- (a) The conditions set forth in this section shall be statutory conditions and deemed to be part of every contract of automobile insurance and shall be printed on every policy with the heading "Statutory Conditions."
- (b) No variation or omission of a statutory condition shall be valid nor shall anything contained in any addition to a statutory condition or in the description of the subject-matter of the insurance be effective in so far as it is inconsistent with, varies or avoids any such condition.

STATUTORY CONDITIONS

Material Change in Risk 1. (a) The insured named in the policy shall promptly notify the insurer, or its local agent, in writing, of any change in the risk material to the contract and within his knowledge.

(b) Without restricting the generality of the foregoing, the words "change in the risk material to the contract" shall include:—

Sale (i) any change in the insurable interest of the insured named in the policy in the automobile by sale, assignment or otherwise, except through change of title by succession, death or proceedings under *The Bankruptcy Act*;

Mortgage or Lien and in cases other than motor vehicle liability policies:

(ii) any mortgage, lien or encumbrance affecting the automobile after the application for the policy;

Other Insurance (iii) any other insurance of the same interest, whether valid or not, covering loss or damage insured by the policy or any portion thereof.

Prohibited Use 2. The automobile shall not, with the knowledge, consent or connivance of the insured named in the policy be used or driven:—

Intoxication (a) by any person under the influence of drink or drugs so as to be incapable of proper control of the automobile; or

Unlicensed Driver (b) by any person not qualified and authorized by law to drive the automobile; or in case the law does not prescribe any qualification or authority, by any person under the age of sixteen years; or

Prohibited Trade (c) for any illicit or prohibited trade or transportation; or

Racing (d) in any race or speed test.

Uses Prohibited Without Permission 3. Unless permission is expressly given by an endorsement of the policy and in consideration of an additional stated premium, the automobile shall not be rented or leased nor shall it be used:—

Trailer (a) with trailer attached; or

Explosives (b) to carry explosives; or

Taxicab or Bus (c) as a taxicab, public omnibus, livery, jitney, or sight-seeing conveyance or for carrying passengers for compensation or hire.

Loss or Damage to Persons or Property 4. (1) The insured shall promptly give to the insurer written notice, with all available particulars, of any accident involving loss or damage to persons or property, and of any claim made on account of accident; shall verify by affidavit or statutory declaration, if required by the insurer, that the claim arises out of the operation or use of an automobile described in the policy and that the person operating or responsible for the operation of the automobile at the time of the accident is a person insured by the policy; and shall forward immediately to the insurer every writ, letter, document or advice received by him from or on behalf of the claimant.

Co-operation of Insured and Insurer in Claim Settlement (2) The insured shall not voluntarily assume any liability or settle any claim except at his own cost. The insured shall not interfere in any negotiations for settlement or in any legal proceeding, but, whenever requested by the insurer, shall aid in securing information and evidence and the attendance of any witness, and shall co-operate with the insurer, except in a pecuniary way, in the defence of any action or proceeding or in the prosecution of any appeal.

Loss or Damage to the Automobile 5. (1) Upon the occurrence of any loss of or damage to the insured automobile, the insured shall, if such loss or damage is covered by this policy:

Insured to give Notice of Claim (a) forthwith give notice thereof, in writing, to the insurer, with fullest information obtainable at the time, and shall, at the expense of the insurer, and as far as reasonably possible, protect the automobile from further loss or damage, and any such further loss or damage accruing directly or indirectly from a failure to protect shall not be recoverable hereunder. No repairs shall be undertaken or any physical evidence of the loss or damage removed without the written consent of the insurer, except such repairs as are immediately necessary for the protection of the automobile from further loss or damage; or until the insurer has had a reasonable time to make the examination provided for in statutory condition 7.

Proof of Loss (b) deliver to the insurer within ninety days of the date of the loss or damage a statutory declaration stating, so far as the insured knows or believes, the place, time, cause and amount of the loss or damage, the interest of the insured and of all others therein, the encumbrances thereon, all other insurance, whether valid or not, covering the automobile, and that the loss or damage did not occur through any wilful act or neglect, procurement, means or connivance of the insured.

Examination of Insured (2) The insured shall submit to examination under oath, and shall produce for examination, at such reasonable place as is designated by the insurer or its representative, all documents in his possession or control which relate to the matters in question, and shall permit extracts and copies thereof to be made.

Insurer Liable For Cash Value of Automobile (3) The insurer shall not be liable beyond the actual cash value of the automobile at the time any loss or damage occurs, and the loss or damage shall be ascertained or estimated according to such actual cash value with proper deduction for depreciation, however caused, and shall in no event exceed what it would cost to repair or replace the automobile or any part thereof with material of like kind and quality; provided that in the event of any part of the automobile being obsolete and out of stock, the liability of the insurer in respect thereof shall be limited to the value of such part at the time of loss or damage not exceeding the maker's last list price.

In Case of Disagreement (4) In the event of disagreement as to the nature and extent of the repairs and replacements required, or as to their adequacy, if effected, or as to the amount payable in respect of any loss or damage, such questions shall be determined by appraisers before recovery can be had hereunder, whether the right to recover on the policy is disputed or not, and independently of all other questions.

Appraisal (5) The insured and the insurer shall each select one appraiser, and the two so chosen shall then select a disinterested umpire. Thereafter the two appraisers together shall estimate or appraise the loss or damage, stating separately sound value and damage, or determine the adequacy of such repairs or replacements, and, failing to agree, shall submit their differences to the umpire.

Appointment of Appraisers (6) In case either party fails to name an appraiser within seven clear days after being served with written notice so to do, or in case the appraisers fail to agree upon an umpire within fifteen days after their appointment, or in case an appraiser or umpire refuses to act or is incapable of acting, or dies, a Judge of a Superior, County or District Court having jurisdiction in the county or district in which the appraisal is to be made may appoint such appraiser or umpire on the application of the insured or of the insurer.

Award (7) An award in writing of the two appraisers, or of one appraiser and the umpire, shall determine the nature and extent or adequacy of the repairs and replacements made or required, or the amount of such loss or damage.

Costs of Appraisal (8) Each party shall pay the appraiser selected by him, and shall bear equally the other expenses of the appraisal and of the umpire.

Waiver 6. Neither the insurer nor the insured shall be deemed to have waived any term or condition of this policy by any act relating to the appraisal or to the delivery and completion of proofs of loss, or to the investigation or adjustment of the claim.

Inspection of Automobile 7. The insurer shall be permitted at all reasonable times to inspect the automobile and its equipment.

Other Insurance of the Same Interest 8. (1) If the insured named in the policy has or places any additional or other valid insurance of his interest in the subject matter of the contract or any part thereof, the insurer shall be liable only for its rateable proportion of any loss or damage.

(2) Where by any other valid insurance indemnity is provided for a claim under this policy against a person not named herein but insured hereby, the insurer shall only be liable under this policy, in respect of any such claim, to the extent of any, deficiency in the amount of such other insurance of such claim, not exceeding in any event the limits of liability of the insurer under this policy.

Time and Manner of Payment of Insurance Money 9. (1) An insurer shall pay the insurance money for which it is liable under a contract within sixty days after the proof of loss been received by it, or, where an appraisal is had under statutory condition 5, within fifteen days after the award is rendered by the appraisers.

When Action May be Brought (2) The insured may not bring an action to recover the amount of a claim under the policy unless the requirements of statutory conditions 4 and 5 are complied with nor until the amount of the loss has been ascertained as therein provided, or by a judgment against the insured after trial of the issue, or by agreement between the parties with the written consent of the insurer.

Limitation of Actions (3) Every action or proceeding against an insurer under a contract in respect of loss or damage to the automobile shall be commenced within one year next after the happening of the loss and not afterwards, and in respect of loss or damage to persons or property shall be commenced within one year next after the cause of action arose, and not afterwards.

Who May Give Notice and Proofs of Claim 10. Notice of claim may be given and proofs of claim may be made by the agent of the insured named in the policy in case of absence or inability of such insured to give the notice or make the proof, such absence or inability being satisfactorily accounted for, or in the like case, or if such insured refuses to do so, by a person to whom any part of the insurance money is payable.

Cancellation 11. (1) The policy may be cancelled at any time at the request of the insured named therein, and the insurer shall, upon surrender of the policy, refund the excess of paid premium above the customary short rate premium for the time the policy has been in force.

(2) This policy may be cancelled at any time by the insurer giving to the insured named in the policy fifteen days' notice in writing of cancellation by registered post, whether registered within or without Canada, or five days' notice of cancellation personally delivered, and refunding the excess of paid premium beyond the pro rata premium for the expired time. Repayment of excess premiums may be made by money, post office order, postal note or cheque. Such repayment shall accompany the notice, and in such case the fifteen days above-mentioned shall commence to run from the day following the receipt of the registered letter at the post office to which it is addressed.

Notice 12. Any written notice to the insurer may be delivered at or sent by registered post to the chief agency or head office of the insurer in this Province. Written notice may be given to the insured named in the policy by letter personally delivered to him or by registered letter addressed to him at his last post office address notified to the insurer, or, where no address is notified and the address is not known, addressed to him at the post office of the agency, if any, from which the application was received. In this condition the expression "registered" shall mean registered within or without Canada.

Certain conditions not part of policy.

175.—(1) If the policy does not insure against liability for loss or damage to persons or property, statutory condition 4 shall not be deemed to be part of the policy.

(2) If the policy does not insure against loss of or damage to an automobile, statutory condition 5 shall not be deemed to be part of the policy.

Policy to be approved by Superintendent.

176. No insurer shall issue or deliver a policy in the Province until a copy of the form of policy has been on file with the Superintendent for at least thirty days, unless sooner approved in writing by him, nor if within that period the Superintendent notifies the insurer in writing that the said form of policy is not approved. The Superintendent shall, on being so required, specify the reasons for not approving or for disapproving thereof.

Misrepresentation, fraud or violation of conditions renders claim invalid.

177.—(1) Where an applicant for a contract falsely describes the automobile to be insured, to the prejudice of the insurer, or knowingly misrepresents or fails to disclose in the application any fact required to be stated therein or where the insured violates any term or condition of the policy or commits any fraud, or makes any wilfully false statement with respect to a claim under the policy, any claim by the insured shall be rendered invalid and the right of the insured to recover indemnity shall be forfeited.

No defence where statement not in written application.

(2) Where a written application for a contract is made, no statement of the applicant shall be used in defence of a claim under the policy, unless it is contained in the written application.

Relief from forfeiture.

178. Where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the insured or other matter or thing required to be done or omitted by the insured with respect to the loss, and a consequent forfeiture or avoidance of the insurance in whole or in part, and the Court deems it inequitable that the insurance should be forfeited or avoided on that ground, the Court may relieve against the forfeiture or avoidance on such terms as it may deem just.

How policy payable.

179. Insurance money shall be payable in the Province in lawful money of Canada.

Waiver.

180. No term or condition of a contract shall be deemed to be waived by the insurer in whole or in part, unless the waiver is stated in writing and signed by an agent of the insurer.

Subrogation. 181. The insurer may require from the insured and from any person to whom it pays insurance money under a contract an assignment of all right of recovery against any other party for loss or damage to the extent that payment therefor is made by the insurer.

Use of red ink. 182. No red ink shall be used in printing a policy, except for the name, address and emblem of the insurer, the policy number and for the purposes mentioned in this Part.

Rights of insured preserved. 183. Any act or omission of the insurer resulting in non-compliance or imperfect compliance with any of the provisions of this Part shall not render a contract invalid as against the insured.

Motor Vehicle Liability Policies.

Coverage of owner's policy. 183a.—(1) Every owner's policy shall insure the person named therein, and every other person who, with his consent, uses or is responsible for the use of any automobile designated in the policy, against the liability imposed by law upon the insured named therein or upon any such other person for loss or damage.

(a) arising from the ownership, use or operation of any such automobile within Canada or the United States of America, or upon a vessel plying between ports within those countries; and

(b) resulting from

(i) bodily injury to or death of any person; or

(ii) damage to property; or,

(iii) both.

Rights of unnamed insured. (2) Any person insured by but not named in a policy may recover indemnity in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

Coverage of driver's policy. 183b. Every driver's policy shall insure the person named therein against the liability imposed by law upon such insured for loss or damage

(a) arising from the operation or use by him of any automobile, other than an automobile owned by or registered in the name of such insured, while he is

personally in control as driver or occupant of such automobile within Canada or the United States of America, or upon a vessel plying between ports within those countries; and

(b) resulting from

- (i) bodily injury to or death of any person; or
- (ii) damage to property; or,
- (iii) both.

Additional
agreements.

183c. Under an owner's policy or a driver's policy the insurer shall:

- (1) upon receipt of notice of loss or damage caused to persons or property, serve the insured by such investigation thereof, or by such negotiations with the claimant, or by such settlement of any resulting claims, as may be deemed expedient by the insurer; and
- (2) defend in the name and on behalf of the insured and at the cost of the insurer any civil action which may at any time be brought against the insured on account of loss or damage to persons or property; and
- (3) pay all costs taxed against the insured in any civil action defended by the insurer and any interest accruing after entry of judgment upon that part of the judgment which is within the limits of the insurer's liability; and
- (4) in case the injury be to a person, reimburse the insured for outlay for such medical aid as may be immediately necessary at the time.

Exceptions
from
liability.

183d. The insurer shall not be liable under an owner's policy or a driver's policy:

- (a) for any liability imposed by any Workmen's Compensation law upon the insured; or
- (b) for loss or damage resulting from bodily injury to or the death of any person insured by the policy, or the children, wife or husband of any such person; or
- (c) to any person, not the owner of the automobile, engaged in the business of an automobile garage,

repair shop or service station or as an automobile dealer, for loss or damage sustained while engaged in the operation or repair of the automobile;

and, unless the coverage is expressly extended under section 183f,

- (d) for any loss or damage resulting from bodily injury to or the death of any person being carried in or upon or entering or getting on to or alighting from the automobile; or
- (e) for loss or damage to property carried in or upon the automobile; or
- (f) for loss or damage resulting from bodily injury to or the death of any employee of the insured while engaged in the operation or repair of the automobile.

Minimum
liability
under policy.

183e. Every owner's policy and driver's policy shall insure, in case of bodily injury or death, to the limit of at least \$5,000 (exclusive of interest and costs) for bodily injury to or the death of any one person, and, subject to such limit, for any one person so injured or killed, of at least \$10,000 (exclusive of interest and costs) for bodily injury to or death of two or more persons in any one accident; or, in case of property damage, to the limit of at least \$1,000 (exclusive of interest and costs) for damage to property resulting from any one accident.

Excess
coverage.

183f. The insurer may, by an endorsement on the policy and in consideration of an additional stated premium, and not otherwise, extend the coverage in the following respects:

- (a) in the case of an owner's policy or a driver's policy, the matters mentioned in paragraphs (d), (e) and (f) of section 183f and in statutory condition 3; and
- (b) in the case of an owner's policy, the operation or use of automobiles not owned by nor registered in the name of the insured; and
- (c) in the case of an owner's policy or a driver's policy, such other matters as may be approved by the Superintendent.

Policy in
special cases.

183g. Where any provision of the last preceding six sections is inapplicable by reason of the requirements of any Part or, in the opinion of the Superintendent, unsuitable to any special form of contract, he may approve a form of motor

vehicle liability policy sufficient or appropriate to insure the risks required or proposed to be insured and in that case those sections shall not apply.

Application
of insurance
money under
motor
vehicle
liability
policy.

183*h*.—(1) Any person having a claim against an insured, for which indemnity is provided by a motor vehicle liability policy, shall, notwithstanding that such person is not a party to the contract, be entitled, upon recovering a judgment therefor against the insured, to have the insurance money payable under the policy applied in or towards satisfaction of his judgment and of any other judgments or claims against the insured covered by the indemnity and may, on behalf of himself and all persons having such judgments or claims, maintain an action against the insurer to have the insurance money so applied.

Other
creditors
not entitled
to share.

(2) No creditor of the insured shall be entitled to share in the insurance money payable under any such policy in respect of any claim for which indemnity is not provided by the policy.

Insurer
absolutely
liable.

(3) (i) No assignment, waiver, surrender, cancellation or discharge of the policy, or of any interest therein, or of the proceeds thereof, made by the insured after the happening of the event giving rise to a claim under the policy, and

(ii) no act or default of the insured before or after such event in violation of the provisions of this Part or of the terms of the contract, and

(iii) no violation of the Criminal Code or of any law or statute of any province, state or country, by the owner or driver of the automobile,

shall prejudice the right of any person, entitled under subsection 1, to have the insurance money applied upon his judgment or claim, or be available to the insurer as a defence to such action.

Contribution
among
insurers.

(4) The insurer may require any other insurers liable to indemnify the insured in respect of judgments or claims referred to in subsection 1 to be made parties to the action and to contribute rateably according to their respective liabilities, and the insured shall, on demand, furnish the insurer with particulars of all other insurance covering the subject-matter of the contract.

Defence
where excess
coverage.

(5) Where a policy provides for coverage in excess of the limits mentioned in section 183*e* or for extended coverage in

pursuance of section 183f, nothing in this section shall, with respect to such excess coverage, prevent the insurer from availing itself, as against any claimant, of any defence which the insurer is entitled to set up against the insured.

Liability of insured to reimburse insurer.

(6) The insured shall be liable to pay or reimburse the insurer, upon demand, any amount which the insurer has paid by reason of the provisions of this section which it would not otherwise be liable to pay.

Insured to give notice of action and disclose insurance.

183i. Every insured against whom an action is commenced for damages occasioned by an automobile shall:

- (a) give notice thereof in writing to the insurer within five days after service of notice or process in the action, and
- (b) disclose to a judgment creditor entitled to the benefit of any motor vehicle liability policy particulars of such policy within ten days after written demand therefor.

Policies Other Than Motor Vehicle Liability Policies.

Partial payment of loss clause.

183j. A policy, other than a motor vehicle liability policy, may contain a clause to the effect that the insurer in the event of loss shall pay only an agreed portion of any loss which may be sustained or the amount of the loss after deduction of a sum specified in the policy, in either case not exceeding the amount of the insurance, in which case there shall be printed upon the face of the policy in conspicuous type, in red ink, the words, "This policy contains a partial payment of loss clause."

Claims to be adjusted with insured.

183k. Where a claim is made under any policy other than a motor vehicle liability policy, the insurer shall, notwithstanding any agreement, adjust the amount of the claim with the insured named in the policy as well as with any person having an interest indicated in the policy.

Commencement of Act.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

BILL

An Act to amend The Insurance Act
(respecting Automobile Insurance)

1st Reading

February 12th, 1932

2nd Reading

3rd Reading

MR. PRICE

No. 78

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Insurance Act (respecting Automobile Insurance).

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 78

1932

BILL

An Act to amend The Insurance Act (respecting
Automobile Insurance).

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Short title. **1.** This Act may be cited as *The (Automobile) Insurance Act, 1932.*

Rev. Stat.,
c. 222,
Part VI,
repealed. **2.** Part VI of *The Insurance Act* as amended by sections
14, 15 and 16 of *The Insurance Act, 1929*, is repealed and
the following substituted therefor:

PART VI.

AUTOMOBILE INSURANCE.

Interpreta- 169. In this Part, unless the context otherwise requires:

"Automobile."

(a) "Automobile" includes all self-propelled vehicles, their trailers, accessories and equipment, but not railway rolling stock, watercraft or aircraft of any kind;

"Automobile insurance."

(b) "Automobile insurance" means insurance against liability for loss or damage to persons or property caused by an automobile or the use or operation thereof, and against loss of or damage to an automobile;

"Contract."

(c) "Contract" includes any writing evidencing a contract, and an oral agreement;

"Driver's policy."

(d) "Driver's policy" means a motor vehicle liability policy insuring a person named therein in respect of the operation or use by him of any automobile other than an automobile owned by him or registered in his name;

- (e) "Insured" means a person insured by a contract "Insured." whether named or not;
- (f) "Motor Vehicle Liability Policy" means a policy "Motor vehicle liability policy," or that part of a policy insuring the owner or driver of an automobile against liability for loss or damage to persons or property;
- (g) "Owner's Policy" means a motor vehicle liability "Owner's policy," policy insuring a person named therein in respect of the ownership, operation or use of any automobile owned by him and designated in the policy;
- (h) "Policy" means the instrument evidencing a contract. "Policy."

Application of Part.

170.—(1) This Part shall apply to automobile insurance and to any insurer carrying on the business of automobile insurance in the Province and to all contracts made in the Province on or after the date of coming into force of this Part. Application of Part.

(2) Nothing in this Part shall prevent the insurance of an automobile against loss or damage by fire under a policy of fire insurance, and in that event this Part shall not apply. Insurance of automobile by fire policy.

Application for Insurance.

171.—(1) No insurer shall make any contract for a period exceeding fourteen days without a written application therefor, signed by the applicant or his agent, duly authorized in writing. Requirements as to written applications.

(2) No person carrying on the business of financing the sale or purchase of automobiles, and no automobile dealer, insurance agent or broker, and no officer or employee of any such person, dealer; agent or broker, shall act as agent of the applicant under this section. Persons forbidden to act as agent.

(3) Every written application for a driver's policy shall set forth: Application for driver's policy.

- (a) the name, address and occupation or business of the applicant;
- (b) particulars of any accident in which any automobile operated by the applicant has been involved within the three years preceding the application;

- (c) particulars of any claim made within such period against or by the applicant arising out of the use or operation of an automobile;
- (d) whether any insurer has cancelled any policy of automobile insurance of the applicant or refused automobile insurance to him;
- (e) whether any license, permit, registration certificate or other like authority, issued to the applicant under any law or statute of any province, state or country relating to automobiles, has been, or continued to be, suspended or cancelled within the three years preceding the application; and
- (f) such further information as the insurer may require or the Superintendent may prescribe.

Application
in other
cases.

- (4) Every other written application shall set forth:
 - (a) the name, address and occupation or business of the owner;
 - (b) the description of the automobile to be insured;
 - (c) its purchase price to the owner, and whether fully paid or not;
 - (d) whether purchased new or otherwise;
 - (e) particulars of any mortgage, lien or encumbrance thereon;
 - (f) the place where it is and will usually be kept;
 - (g) the locality in which and the purpose for which it is and will be chiefly used;
 - (h) particulars of any accident in which any automobile owned or operated by the owner has been involved within the three years preceding the application;
 - (i) particulars of any claim made within such period against or by the owner arising out of the use or operation of an automobile;
 - (j) whether any insurer has cancelled any policy of automobile insurance of the owner, or refused automobile insurance to him;
 - (k) whether any license, permit, registration certificate or other like authority, issued to the owner or

a member of his family and household under any law or statute of any province, state or country relating to automobiles, has, to the knowledge of the applicant, been, or continued to be, suspended or cancelled within the three years preceding the application; and

- (l) such further information as the insurer may require or the Superintendent may prescribe.

(5) Where the requirements of subsection 3 or 4 are, in the opinion of the Superintendent, inapplicable to any special form of contract, the Superintendent may prescribe the form of application or vary, omit or add to those requirements.

(6) Upon every written application and policy there shall be printed or stamped in conspicuous type, not less in size than ten point and in red ink, a copy of subsection 1 of section 177.

(7) Where a contract is renewed without change or only the amount of the insurance, the rate of premium or the method of rating is changed, the renewal may be effected without a written application.

(8) A copy of the application, or such part thereof as is material to the contract, shall be embodied in, endorsed upon or attached to the policy when issued by the insurer.

172. Where it is proposed to change the subject-matter of a contract by substitution or addition of one or more automobiles, the insurer may so amend the contract by an endorsement of the policy, but in that case it shall obtain a written application signed in accordance with section 171 and containing such particulars required by that section as relate to the new subject-matter.

Policy of Insurance.

173.—(1) Every policy shall set forth:

- (a) the name and address of the insurer;
- (b) the name, address, occupation or business of the insured named therein;
- (c) the premium for the insurance;
- (d) the subject-matter of the insurance;

Contents of policy.

- (e) the indemnity for which the insurer may become liable;
- (f) the event on the happening of which liability is to accrue;
- (g) the term of the insurance; and
- (h) except in case of motor vehicle liability policies, the name of the person to whom the insurance money is payable.

Discrepancy
between the
application
and the
policy.

(2) Unless otherwise expressly stated therein, any written application shall be deemed to be one for a policy embodying the terms and conditions of the insurer's corresponding standard policy form approved under this Part; and the policy shall be deemed to be in accordance with the application unless the insurer points out in writing to the insured named in the policy in what respect the policy differs from the application, and, in that event, the insured shall be deemed to have accepted the policy unless within one week from the receipt of the notification he informs the insurer in writing that he rejects the policy.

Insured
entitled to
copy.

(3) Notwithstanding any agreement, the insurer shall deliver or mail to the insured named therein the policy or a true copy thereof and every endorsement or amendment of the policy or a true copy thereof.

Statutory
conditions

174. Subject to sections 175 and 183 *j*:

- (a) The conditions set forth in this section shall be statutory conditions and deemed to be part of every contract of automobile insurance and shall be printed on every policy with the heading "Statutory Conditions."
- (b) No variation or omission of a statutory condition shall be valid nor shall anything contained in any addition to a statutory condition or in the description of the subject-matter of the insurance be effective in so far as it is inconsistent with, varies or avoids any such condition.

STATUTORY CONDITIONS

Material Change in Risk 1. (a) The insured named in the policy shall promptly notify the insurer, or its local agent, in writing, of any change in the risk material to the contract and within his knowledge.

(b) Without restricting the generality of the foregoing, the words "change in the risk material to the contract" shall include:—

Sale (i) any change in the insurable interest of the insured named in the policy in the automobile by sale, assignment or otherwise, except through change of title by succession, death or proceedings under *The Bankruptcy Act*;

Mortgage or Lien and in cases other than motor vehicle liability policies:

(ii) any mortgage, lien or encumbrance affecting the automobile after the application for the policy;

Other Insurance (iii) any other insurance of the same interest, whether valid or not, covering loss or damage insured by the policy or any portion thereof.

Prohibited Use 2. The automobile shall not, with the knowledge, consent or connivance of the insured named in the policy be used or driven:—

Intoxication (a) by any person under the influence of drink or drugs so as to be incapable of proper control of the automobile; or

Unlicensed Driver (b) by any person not qualified and authorized by law to drive the automobile; or in case the law does not prescribe any qualification or authority, by any person under the age of sixteen years; or

Prohibited Trade (c) for any illicit or prohibited trade or transportation; or

Racing (d) in any race or speed test.

Uses Prohibited Without Permission 3. Unless permission is expressly given by an endorsement of the policy and in consideration of an additional stated premium, the automobile shall not be rented or leased nor shall it be used:—

Trailer (a) with trailer attached; or

Explosives (b) to carry explosives; or

Taxicab or Bus (c) as a taxicab, public omnibus, livery, jitney, or sight-seeing conveyance or for carrying passengers for compensation or hire.

Loss or Damage to Persons or Property 4. (1) The insured shall promptly give to the insurer written notice, with all available particulars, of any accident involving loss or damage to persons or property, and of any claim made on account of accident; shall verify by affidavit or statutory declaration, if required by the insurer, that the claim arises out of the operation or use of an automobile described in the policy and that the person operating or responsible for the operation of the automobile at the time of the accident is a person insured by the policy; and shall forward immediately to the insurer every writ, letter, document or advice received by him from or on behalf of the claimant.

Co-operation of Insured and Insurer in Claim Settlement (2) The insured shall not voluntarily assume any liability or settle any claim except at his own cost. The insured shall not interfere in any negotiations for settlement or in any legal proceeding, but, whenever requested by the insurer, shall aid in securing information and evidence and the attendance of any witness, and shall co-operate with the insurer, except in a pecuniary way, in the defence of any action or proceeding or in the prosecution of any appeal.

Loss or Damage to the Automobile,

5. (1) Upon the occurrence of any loss of or damage to the insured automobile, the insured shall, if such loss or damage is covered by this policy:

Insured to give Notice of Claim

(a) forthwith give notice thereof, in writing, to the insurer, with fullest information obtainable at the time, and shall, at the expense of the insurer, and as far as reasonably possible, protect the automobile from further loss or damage, and any such further loss or damage accruing directly or indirectly from a failure to protect shall not be recoverable hereunder. No repairs shall be undertaken or any physical evidence of the loss or damage removed without the written consent of the insurer, except such repairs as are immediately necessary for the protection of the automobile from further loss or damage; or until the insurer has had a reasonable time to make the examination provided for in statutory condition 7.

Proof of Loss

(b) deliver to the insurer within ninety days of the date of the loss or damage a statutory declaration stating, so far as the insured knows or believes, the place, time, cause and amount of the loss or damage, the interest of the insured and of all others therein, the encumbrances thereon, all other insurance, whether valid or not, covering the automobile, and that the loss or damage did not occur through any wilful act or neglect, procurement, means or connivance of the insured.

Examination of Insured

(2) The insured shall submit to examination under oath, and shall produce for examination, at such reasonable place as is designated by the insurer or its representative, all documents in his possession or control which relate to the matters in question, and shall permit extracts and copies thereof to be made.

Insurer Liable For Cash Value of Automobile

(3) The insurer shall not be liable beyond the actual cash value of the automobile at the time any loss or damage occurs, and the loss or damage shall be ascertained or estimated according to such actual cash value with proper deduction for depreciation, however caused, and shall in no event exceed what it would cost to repair or replace the automobile or any part thereof with material of like kind and quality; provided that in the event of any part of the automobile being obsolete and out of stock, the liability of the insurer in respect thereof shall be limited to the value of such part at the time of loss or damage not exceeding the maker's last list price.

In Case of Disagreement

(4) In the event of disagreement as to the nature and extent of the repairs and replacements required, or as to their adequacy, if effected, or as to the amount payable in respect of any loss or damage, such questions shall be determined by appraisers before recovery can be had hereunder, whether the right to recover on the policy is disputed or not, and independently of all other questions.

Appraisal

(5) The insured and the insurer shall each select one appraiser, and the two so chosen shall then select a disinterested umpire. Thereafter the two appraisers together shall estimate or appraise the loss or damage, stating separately sound value and damage, or determine the adequacy of such repairs or replacements, and, failing to agree, shall submit their differences to the umpire.

Appointment of Appraisers

(6) In case either party fails to name an appraiser within seven clear days after being served with written notice so to do, or in case the appraisers fail to agree upon an umpire within fifteen days after their appointment, or in case an appraiser or umpire refuses to act or is incapable of acting, or dies, a Judge of a Superior, County or District Court having jurisdiction in the county or district in which the appraisal is to be made may appoint such appraiser or umpire on the application of the insured or of the insurer.

Award

(7) An award in writing of the two appraisers, or of one appraiser and the umpire, shall determine the nature and extent or adequacy of the repairs and replacements made or required, or the amount of such loss or damage.

Costs of Appraisal

(8) Each party shall pay the appraiser selected by him, and shall bear equally the other expenses of the appraisal and of the umpire.

Waiver 6. Neither the insurer nor the insured shall be deemed to have waived any term or condition of this policy by any act relating to the appraisal or to the delivery and completion of proofs of loss, or to the investigation or adjustment of the claim.

Inspection of Automobile 7. The insurer shall be permitted at all reasonable times to inspect the automobile and its equipment.

Other Insurance of the Same Interest 8. (1) If the insured named in the policy has or places any additional or other valid insurance of his interest in the subject matter of the contract or any part thereof, the insurer shall be liable only for its rateable proportion of any loss or damage.

(2) Where by any other valid insurance indemnity is provided for a claim under this policy against a person not named herein but insured hereby, the insurer shall only be liable under this policy, in respect of any such claim, to the extent of any, deficiency in the amount of such other insurance of such claim, not exceeding in any event the limits of liability of the insurer under this policy.

Time and Manner of Payment of Insurance Money 9. (1) An insurer shall pay the insurance money for which it is liable under a contract within sixty days after the proof of loss has been received by it, or, where an appraisal is had under statutory condition 5, within fifteen days after the award is rendered by the appraisers.

When Action May be Brought (2) The insured may not bring an action to recover the amount of a claim under the policy unless the requirements of statutory conditions 4 and 5 are complied with nor until the amount of the loss has been ascertained as therein provided, or by a judgment against the insured after trial of the issue, or by agreement between the parties with the written consent of the insurer.

Limitation of Actions (3) Every action or proceeding against an insurer under a contract in respect of loss or damage to the automobile shall be commenced within one year next after the happening of the loss and not afterwards, and in respect of loss or damage to persons or property shall be commenced within one year next after the cause of action arose, and not afterwards.

Who May Give Notice and Proofs of Claim 10. Notice of claim may be given and proofs of claim may be made by the agent of the insured named in the policy in case of absence or inability of such insured to give the notice or make the proof, such absence or inability being satisfactorily accounted for, or in the like case, or if such insured refuses to do so, by a person to whom any part of the insurance money is payable.

Cancellation 11. (1) The policy may be cancelled at any time at the request of the insured named therein, and the insurer shall, upon surrender of the policy, refund the excess of paid premium above the customary short rate premium for the time the policy has been in force.

(2) This policy may be cancelled at any time by the insurer giving to the insured named in the policy fifteen days' notice in writing of cancellation by registered post, whether registered within or without Canada, or five days' notice of cancellation personally delivered, and refunding the excess of paid premium beyond the pro rata premium for the expired time. Repayment of excess premiums may be made by money, post office order, postal note or cheque. Such repayment shall accompany the notice, and in such case the fifteen days above-mentioned shall commence to run from the day following the receipt of the registered letter at the post office to which it is addressed.

Notice 12. Any written notice to the insurer may be delivered at or sent by registered post to the chief agency or head office of the insurer in this Province. Written notice may be given to the insured named in the policy by letter personally delivered to him or by registered letter addressed to him at his last post office address notified to the insurer, or, where no address is notified and the address is not known, addressed to him at the post office of the agency, if any, from which the application was received. In this condition the expression "registered" shall mean registered within or without Canada.

Certain conditions not part of policy.

175.—(1) If the policy does not insure against liability for loss or damage to persons or property, statutory condition 4 shall not be deemed to be part of the policy.

(2) If the policy does not insure against loss of or damage to an automobile, statutory condition 5 shall not be deemed to be part of the policy.

Policy to be approved by Superintendent.

176. No insurer shall issue or deliver a policy in the Province until a copy of the form of policy has been on file with the Superintendent for at least thirty days, unless sooner approved in writing by him, nor if within that period the Superintendent notifies the insurer in writing that the said form of policy is not approved. The Superintendent shall, on being so required, specify the reasons for not approving or for disapproving thereof.

Misrepresentation, fraud or violation of conditions renders claim invalid.

177.—(1) Where an applicant for a contract falsely describes the automobile to be insured, to the prejudice of the insurer, or knowingly misrepresents or fails to disclose in the application any fact required to be stated therein or where the insured violates any term or condition of the policy or commits any fraud, or makes any wilfully false statement with respect to a claim under the policy, any claim by the insured shall be rendered invalid and the right of the insured to recover indemnity shall be forfeited.

No defence where statement not in written application.

(2) Where a written application for a contract is made, no statement of the applicant shall be used in defence of a claim under the policy, unless it is contained in the written application.

Relief from forfeiture.

178. Where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the insured or other matter or thing required to be done or omitted by the insured with respect to the loss, and a consequent forfeiture or avoidance of the insurance in whole or in part, and the Court deems it inequitable that the insurance should be forfeited or avoided on that ground, the Court may relieve against the forfeiture or avoidance on such terms as it may deem just.

How policy payable.

179. Insurance money shall be payable in the Province in lawful money of Canada.

Waiver.

180. No term or condition of a contract shall be deemed to be waived by the insurer in whole or in part, unless the waiver is stated in writing and signed by an agent of the insurer.

181. The insurer may require from the insured and from any person to whom it pays insurance money under a contract an assignment of all right of recovery against any other party for loss or damage to the extent that payment therefor is made by the insurer. Subrogation.

182. No red ink shall be used in printing a policy, except for the name, address and emblem of the insurer, the policy number and for the purposes mentioned in this Part. Use of red ink.

183. Any act or omission of the insurer resulting in non-compliance or imperfect compliance with any of the provisions of this Part shall not render a contract invalid as against the insured. Rights of insured preserved.

Motor Vehicle Liability Policies.

183a.—(1) Every owner's policy shall insure the person named therein, and every other person who, with his consent, uses or is responsible for the use of any automobile designated in the policy, against the liability imposed by law upon the insured named therein or upon any such other person for loss or damage, Coverage of owner's policy.

(a) arising from the ownership, use or operation of any such automobile within Canada or the United States of America, or upon a vessel plying between ports within those countries; and

(b) resulting from

(i) bodily injury to or death of any person; or

(ii) damage to property; or,

(iii) both.

(2) Any person insured by but not named in a policy may recover indemnity in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor. Rights of unnamed insured.

183b. Every driver's policy shall insure the person named therein against the liability imposed by law upon such insured for loss or damage, Coverage of driver's policy.

(a) arising from the operation or use by him of any automobile, other than an automobile owned by or registered in the name of such insured, while he is

personally in control as driver or occupant of such automobile within Canada or the United States of America, or upon a vessel plying between ports within those countries; and

(b) resulting from

- (i) bodily injury to or death of any person; or
- (ii) damage to property; or,
- (iii) both.

Additional
agreements.

183c. Under an owner's policy or a driver's policy the insurer shall:

- (a) upon receipt of notice of loss or damage caused to persons or property, serve the insured by such investigation thereof, or by such negotiations with the claimant, or by such settlement of any resulting claims, as may be deemed expedient by the insurer; and
- (b) defend in the name and on behalf of the insured and at the cost of the insurer any civil action which may at any time be brought against the insured on account of loss or damage to persons or property; and
- (c) pay all costs taxed against the insured in any civil action defended by the insurer and any interest accruing after entry of judgment upon that part of the judgment which is within the limits of the insurer's liability; and
- (d) in case the injury be to a person, reimburse the insured for outlay for such medical aid as may be immediately necessary at the time.

Exceptions
from
liability.

183d. The insurer shall not be liable under an owner's policy or a driver's policy:

- (a) for any liability imposed by any workmen's compensation law upon the insured; or
- (b) for loss or damage resulting from bodily injury to or the death of any person insured by the policy, or the children, wife or husband of any such person; or
- (c) to any person, not the owner of the automobile, engaged in the business of an automobile garage,

repair shop or service station or as an automobile dealer, for loss or damage sustained while engaged in the operation or repair of the automobile;

or, unless the coverage is expressly extended under section 183f,

- (d) for any loss or damage resulting from bodily injury to or the death of any person being carried in or upon or entering or getting on to or alighting from the automobile; or
- (e) for loss or damage to property carried in or upon the automobile; or
- (f) for loss or damage resulting from bodily injury to or the death of any employee of the insured while engaged in the operation or repair of the automobile.

183e. Every owner's policy and driver's policy shall insure, ^{Minimum liability under policy.} in case of bodily injury or death, to the limit of at least \$5,000 (exclusive of interest and costs) for bodily injury to or the death of any one person, and, subject to such limit, for any one person so injured or killed, of at least \$10,000 (exclusive of interest and costs) for bodily injury to or death of two or more persons in any one accident; or, in case of property damage, to the limit of at least \$1,000 (exclusive of interest and costs) for damage to property resulting from any one accident.

183f. The insurer may, by an endorsement on the policy, ^{Excess coverage.} and in consideration of an additional stated premium, and not otherwise, extend the coverage in the following respects:

- (a) in the case of an owner's policy or a driver's policy, the matters mentioned in paragraphs (d), (e) and (f) of section 183d and in statutory condition 3; and
- (b) in the case of an owner's policy, the operation or use of automobiles not owned by nor registered in the name of the insured; and
- (c) in the case of an owner's policy or a driver's policy, such other matters as may be approved by the Superintendent.

183g. Where any provision of the last preceding six sections ^{Policy in special cases.} is inapplicable by reason of the requirements of any Part or, in the opinion of the Superintendent, unsuitable to any special form of contract, he may approve a form of motor

vehicle liability policy sufficient or appropriate to insure the risks required or proposed to be insured and in that case those sections shall not apply.

Application
of insurance
money under
motor
vehicle
liability
policy.

183h.—(1) Any person having a claim against an insured, for which indemnity is provided by a motor vehicle liability policy, shall, notwithstanding that such person is not a party to the contract, be entitled, upon recovering a judgment therefor against the insured, to have the insurance money payable under the policy applied in or towards satisfaction of his judgment and of any other judgments or claims against the insured covered by the indemnity and may, on behalf of himself and all persons having such judgments or claims, maintain an action against the insurer to have the insurance money so applied.

Other
creditors
not entitled
to share.

(2) No creditor of the insured shall be entitled to share in the insurance money payable under any such policy in respect of any claim for which indemnity is not provided by the policy.

Insurer
absolutely
liable.

(3) (i) No assignment, waiver, surrender, cancellation or discharge of the policy, or of any interest therein, or of the proceeds thereof, made by the insured after the happening of the event giving rise to a claim under the policy, and

(ii) no act or default of the insured before or after such event in violation of the provisions of this Part or of the terms of the contract, and

(iii) no violation of the Criminal Code or of any law or statute of any province, state or country, by the owner or driver of the automobile,

shall prejudice the right of any person, entitled under subsection 1, to have the insurance money applied upon his judgment or claim, or be available to the insurer as a defence to such action.

Contribution
among
insurers.

(4) The insurer may require any other insurers liable to indemnify the insured in respect of judgments or claims referred to in subsection 1 to be made parties to the action and to contribute rateably according to their respective liabilities, and the insured shall, on demand, furnish the insurer with particulars of all other insurance covering the subject-matter of the contract.

Defence
where excess
coverage.

(5) Where a policy provides for coverage in excess of the limits mentioned in section 183e or for extended coverage in

pursuance of section 183f, nothing in this section shall, with respect to such excess coverage, prevent the insurer from availing itself, as against any claimant, of any defence which the insurer is entitled to set up against the insured.

(6) The insured shall be liable to pay or reimburse the insurer, upon demand, any amount which the insurer has paid by reason of the provisions of this section which it would not otherwise be liable to pay.

Liability of insured to reimburse insurer.

183i. Every insured against whom an action is commenced for damages occasioned by an automobile shall:

Insured to give notice of action and disclose insurance.

- (a) give notice thereof in writing to the insurer within five days after service of notice or process in the action, and
- (b) disclose to a judgment creditor entitled to the benefit of any motor vehicle liability policy particulars of such policy within ten days after written demand therefor.

Policies Other Than Motor Vehicle Liability Policies.

183j. A policy, other than a motor vehicle liability policy, may contain a clause to the effect that the insurer in the event of loss shall pay only an agreed portion of any loss which may be sustained or the amount of the loss after deduction of a sum specified in the policy, in either case not exceeding the amount of the insurance, in which case there shall be printed upon the face of the policy in conspicuous type, in red ink, the words, "This policy contains a partial payment of loss clause."

Partial payment of loss clause.

183k. Where a claim is made under any policy other than a motor vehicle liability policy, the insurer shall, notwithstanding any agreement, adjust the amount of the claim with the insured named in the policy as well as with any person having an interest indicated in the policy.

Claims to be adjusted with insured.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement of Act.

BILL

An Act to amend The Insurance Act
(respecting Automobile Insurance)

1st Reading

February 12th, 1932

2nd Reading

February 24th, 1932

3rd Reading

March 21st, 1932

M.R. PRICE

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Old Age Pensions Act, 1929.

MR. MARTIN (Brantford)

No. 79

1932

BILL

An Act to amend The Old Age Pensions Act, 1929.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Old Age Pensions Act, 1932*.

1929,
c. 73, s. 3,
amended. **2.** Section 3 of *The Old Age Pensions Act, 1929*, is amended by inserting the words "or more" after the words "one-half" in the seventh line, so that the section shall now read as follows:

Agreement
with
Dominion
Government
authorized

3. The Lieutenant-Governor in Council may enter into an agreement with the Governor-General in Council as to a general scheme of old age pensions in the Province pursuant to the provisions of any Act of the Dominion heretofore or hereafter passed relating to old age pensions, and the regulations made thereunder, and for the payment by the Dominion to the Province quarterly of an amount equal to one-half or more of the net sum paid out during the preceding quarter by the Province for old age pensions pursuant to the provisions of this Act.

1929,
c. 73, s. 5,
repealed. **3.** Section 5 of *The Old Age Pensions Act, 1929*, is repealed and the following substituted therefor:

Application
for pension.

5. An application for a pension under this Act shall be made in the first instance to the local authority in such manner and accompanied by such proofs as the regulations may require, and the local authority shall make its recommendation in writing upon each application to the Commission and the decision of the Commission shall be final and binding, but the Commission may reconsider any decision and may rescind, alter or amend any order, direction or ruling previously made by it under the authority of this Act.

EXPLANATORY NOTES.

Section 2. The insertion of the words "or more" is to provide for any increase that may be accepted by the Dominion Government. The Dominion Government has already amended its Act.

Section 3. As the section stands at present applications for pensions are dealt with in the first instance by the local authority with the right of appeal to the Commission. The new section provides for a recommendation by the local authority.

1929,
c. 73, s. 7,
subs. 3,
amended.

4. Subsection 3 of section 7 of *The Old Age Pensions Act, 1929*, is amended by striking out the words "twenty per centum" in the fourth line and inserting in lieu thereof the words "ten per centum," so that the subsection shall now read as follows:

Amount of
contribution.

- (3) Every municipal corporation named by the Commission as a contributor under this section shall at such intervals and upon such dates as may be fixed by the regulations pay to the Treasurer of Ontario an amount equal to ten per centum of the pension, and every such amount shall be a debt due to the Crown from the corporation and recoverable with costs by action at the suit of the Treasurer of Ontario.

1929,
c. 73, s. 14,
amended.

5. Section 14 of *The Old Age Pensions Act, 1929*, is amended by striking out the words "The Lieutenant-Governor in Council may make regulations" at the commencement of the said section and inserting in lieu thereof the words "The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations."

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 4. This amendment will make it possible to reduce the percentage collectible from the municipalities.

Section 5. The addition of the words "upon the recommendation of the Minister," will provide for departmental supervision of regulations.

BILL

An Act to amend The Old Age
Pensions Act, 1929.

1st Reading

February 16th, 1932

2nd Reading

3rd Reading

MR. MARTIN (Brantford)

No. 79

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Old Age Pensions Act, 1929.

MR. MARTIN (Brantford)

No. 79

1932

BILL

An Act to amend The Old Age Pensions Act, 1929.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Old Age Pensions Act, 1932*.

1929,
c. 73, s. 3,
amended.

2. Section 3 of *The Old Age Pensions Act, 1929*, is amended by inserting the words "or more" after the words "one-half" in the seventh line, so that the section shall now read as follows:

Agreement
with
Dominion
Government
authorized.

3. The Lieutenant-Governor in Council may enter into an agreement with the Governor-General in Council as to a general scheme of old age pensions in the Province pursuant to the provisions of any Act of the Dominion heretofore or hereafter passed relating to old age pensions, and the regulations made thereunder, and for the payment by the Dominion to the Province quarterly of an amount equal to one-half or more of the net sum paid out during the preceding quarter by the Province for old age pensions pursuant to the provisions of this Act.

1929,
c. 73, s. 5
repealed.

3. Section 5 of *The Old Age Pensions Act, 1929*, is repealed and the following substituted therefor:

Application
for pension.

5. An application for a pension under this Act shall be made in the first instance to the local authority in such manner and accompanied by such proofs as the regulations may require, and the local authority shall make its recommendation in writing upon each application to the Commission and the decision of the Commission shall be final and binding, but the Commission may reconsider any decision and may rescind, alter or amend any order, direction or ruling previously made by it under the authority of this Act.

4. Subsection 3 of section 7 of *The Old Age Pensions Act*, 1929, c. 73, s. 7, subs. 3, amended, 1929, is amended by striking out the words "twenty per centum" in the fourth line and inserting in lieu thereof the words "ten per centum," so that the subsection shall now read as follows:

- (3) Every municipal corporation named by the Commission as a contributor under this section shall at such intervals and upon such dates as may be fixed by the regulations pay to the Treasurer of Ontario an amount equal to ten per centum of the pension, and every such amount shall be a debt due to the Crown from the corporation and recoverable with costs by action at the suit of the Treasurer of Ontario. ^{Amount of contribution.}

5. Section 14 of *The Old Age Pensions Act*, 1929, is amended 1929, c. 73, s. 14, amended, by striking out the words "The Lieutenant-Governor in Council may make regulations" at the commencement of the said section and inserting in lieu thereof the words "The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations."

6. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

BILL

An Act to amend The Old Age
Pensions Act, 1929.

1st Reading

February 16th, 1932

2nd Reading

February 19th, 1932

3rd Reading

March 18th, 1932

MR. MARTIN (Brantford)

No. 80

3RD SESSION, 18TH LEGISLATURE, ONTARIO

22 GEORGE V, 1932

BILL

An Act to amend The Department of Labour Act.

MR. MONTEITH

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 80

1932

BILL

An Act to amend The Department of Labour Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Department of Labour Act, 1932.*

Rev. Stat.
c. 62, s. 4,
amended. **2.**—(1) The clause lettered (a) in section 4 of *The Department of Labour Act* is repealed and the following substituted therefor:

(a) *The Operating Engineers Act;*

(2) The said section 4 is further amended by adding thereto the following clauses:

1928, c. 25. (f) *The Apprenticeship Act;*

(g) The Regulations respecting the protection of persons working in compressed air, tunnels, or open caissons.

Rev. Stat.
c. 62,
s. 5, cl. d,
amended. **3.**—(1) The clause lettered d in section 5 of *The Department of Labour Act* is amended by striking out the word “working-men” in the fourth line and inserting in lieu thereof the words, “persons, both male and female, in any of the trades, occupations or professions, and for procuring workers for employment in any of the trades, occupations, or professions,” so that the clause shall now read as follows:

Employ-
ment
Bureaux.

(d) establish and maintain in the various centres of population throughout Ontario, employment offices and similar agencies for obtaining suitable employment for persons both male and female, in any of the trades, occupations or professions, and for procuring workers for employment in any of the trades, occupations or professions, and subject to *The Employment Agencies Act*, to regulate all voluntary, private or municipal employment bureaux.

Rev. Stat.
c. 216.

EXPLANATORY NOTES

Section 2. This section revises and completes the list of legislation administered by the Department of Labour.

Section 3.—(1) This section is for the purpose of giving an adequate outline of the functions of the Ontario Government Employment Offices which will cover the present scope of their activities and any developments in the work which may be deemed advisable. The present Act reads "agencies for obtaining suitable employment for workingmen."

Rev. Stat.,
c. 62, s. 5,
cl. i,
amended.

(2) The clause lettered (i) in the said section 5 is amended by inserting the words "and regulations" after the word "Acts" in the fourth line thereof, so that the clause shall now read as follows:

Annual
Report.

- (i) prepare and transmit to the Lieutenant-Governor in Council annually a report containing the reports of the officers employed in the administration of the various Acts and regulations assigned to the Department, and upon the work of the Department during the preceding year, together with such statistical and other information as may have been collected in the Department.

Rev. Stat.,
c. 62, s. 7,
subss. 1 and
3, amended.

4.—(1) Subsections 1 and 3 of section 7 of *The Department of Labour Act* are amended by inserting the words "or regulations" after the word "Acts" in the fifth line of subsection 1 and after the word "Act" in the fifth line of subsection 3 so that the subsections shall now read as follows:

Powers of
Deputy
Minister
as to
obtaining
information.

- (1) The Deputy Minister may require from employers, workmen and other persons such information concerning rates of wages, hours of work, regularity of employment and other matters as he may deem necessary for the proper carrying out of this Act or of any of the Acts or regulations administered by the Department.

Right of
access.

- (3) Such officer acting under the written authority of the Deputy Minister, shall have access at all reasonable hours to any office, factory, shop, place of business or other premises for the purpose of carrying out the provisions of this Act or of any Act or regulations administered by the Department.

Rev. Stat.,
c. 62, s. 7,
subs. 4,
amended.

(2) Subsection 4 of the said section 7 is amended by striking out all the words after the word "Acts" in the fourth line and inserting in lieu thereof the words "or regulations administered by the Department shall be guilty of an offence and may be proceeded against under *The Summary Convictions Act* and upon conviction shall incur a penalty of \$20," so that the subsection shall now read as follows:

Penalty for
refusing
information
or inter-
fering.

- (4) Every person who refuses to furnish any returns or information which may be lawfully required, or who hinders or obstructs any officer in the performance of his duties under this Act or any of the Acts or regulations administered by the Department shall be guilty of an offence and may be proceeded against under *The Summary Convictions Act* and upon conviction shall incur a penalty of \$20.

Rev. Stat.
c. 121.

Section 3 (2) and section 4 (1), (2), subsection 2 of section 3 and subsections 1 and 2 of section 4 are for the purpose of including regulations with the Acts administered by the Department of Labour in connection with which certain powers or duties are assigned to the Department or to the Deputy Minister, as for example "for the proper carrying out of the Acts and regulations administered by the Department." Subsection 2 of section 4 also states a definite penalty of \$20 instead of "a penalty not exceeding \$20," in order to avoid a minimum penalty too small to be of any value.

Section 4.—(3) The addition of subsection (5) to section 7 will provide a penalty for falsifying records, through which practice the safety of workers might be endangered.

Rev. Stat.,
c. 62, s. 7,
amended.

(3) The said section 7 is further amended by adding thereto the following subsection:

Penalty for
falsifying
records.

- (5) Every person who falsifies his records or returns or supplies incomplete or untrue information shall be guilty of an offence and may be proceeded against under *The Summary Convictions Act* and upon conviction shall incur a penalty of not less than \$50 and not more than \$300.

Rev. Stat.,
c. 121.

Rev. Stat.
c. 62,
amended.

5. *The Department of Labour Act* is amended by adding thereto the following sections:

Stopping
work when
conditions
unsafe.

9. Whenever any inspector appointed under this Act or under any of the Acts or regulations administered by the Department of Labour is of the opinion that any work or installation to which any such Act or regulations apply or any portion of such work or installation is being carried on or has been installed in such manner as to be dangerous to life or property, he may, by written order to the employer, person, firm or corporation responsible for such work or installation, or to the contractor for any part thereof, order the immediate cessation of the work or operation of the plant or equipment or any portion thereof, which he considers unsafe.

Penalty
for non-
compliance.

10. Any persons, firm or corporation employing persons on any work or installation to which any of the Acts or regulations administered by the Department of Labour apply, who refuses or neglects to comply with any order, direction or recommendation lawfully given in connection with the safe conduct of such work or installation shall be guilty of an offence and may be proceeded against under *The Summary Convictions Act* and upon conviction shall incur a penalty of not less than \$50 and not more than \$300.

Rev. Stat.,
c. 121.

Commence-
ment of Act

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 5. This section makes provisions for penalties in connection with work carried on under unsafe conditions. A stoppage of such work may be ordered by an inspector of the Department of Labour and a penalty may be imposed for non-compliance with any orders issued in connection therewith.

BILL

An Act to amend The Department
of Labour Act.

1st Reading

February 16th, 1932

2nd Reading

3rd Reading

MR. MONTEITH

3RD SESSION, 18TH LEGISLATURE, ONTARIO

22 GEORGE V, 1932

BILL

An Act to amend The Department of Labour Act.

MR. MONTEITH

No. 80

1932

BILL

An Act to amend The Department of Labour Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Department of Labour Act, 1932*.

Rev. Stat.,
c. 62, s. 4,
cl. *a*,
repealed. **2.**—(1) The clause lettered *a* in section 4 of *The Department of Labour Act* is repealed and the following substituted therefor:

(a) *The Operating Engineers Act*;

Rev. Stat.,
c. 62, s. 4,
amended. (2) The said section 4 is further amended by adding thereto the following clauses:

1928, c. 25. (f) *The Apprenticeship Act*;

(g) The regulations respecting the protection of persons working in compressed air, tunnels, or open caissons.

Rev. Stat.,
c. 62,
s. 5, cl. *d*,
amended. **3.**—(1) The clause lettered *d* in section 5 of *The Department of Labour Act* is amended by striking out the word “working-men” in the fourth line and inserting in lieu thereof the words, “persons, both male and female, in any of the trades, occupations or professions, and for procuring workers for employment in any of the trades, occupations, or professions,” so that the clause shall now read as follows:

Employ-
ment
bureaux.

(d) establish and maintain in the various centres of population throughout Ontario, employment offices and similar agencies for obtaining suitable employment for persons both male and female, in any of the trades, occupations or professions, and for procuring workers for employment in any of the trades, occupations or professions, and subject to *The Employment Agencies Act*, to regulate all voluntary, private or municipal employment bureaux.

Rev. Stat.
c. 216.

(2) The clause lettered *i* in the said section 5 is amended by inserting the words "and regulations" after the word "Acts" in the fourth line thereof, so that the clause shall now read as follows: Rev. Stat., c. 62, s. 5, cl. i, amended.

- (i) prepare and transmit to the Lieutenant-Governor in Council annually a report containing the reports of the officers employed in the administration of the various Acts and regulations assigned to the Department, and upon the work of the Department during the preceding year, together with such statistical and other information as may have been collected in the Department. Annual Report.

4.—(1) Subsections 1 and 3 of section 7 of *The Department of Labour Act* are amended by inserting the words "or regulations" after the word "Acts" in the fifth line of subsection 1 and after the word "Act" in the fifth line of subsection 3 so that the subsections shall now read as follows: Rev. Stat., c. 62, s. 7, subs. 1 and 3, amended.

- (1) The Deputy Minister may require from employers, workmen and other persons such information concerning rates of wages, hours of work, regularity of employment and other matters as he may deem necessary for the proper carrying out of this Act or of any of the Acts or regulations administered by the Department. Powers of Deputy Minister as to obtaining information.

- (3) Such officer acting under the written authority of the Deputy Minister, shall have access at all reasonable hours to any office, factory, shop, place of business or other premises for the purpose of carrying out the provisions of this Act or of any Act or regulations administered by the Department. Right of access.

(2) Subsection 4 of the said section 7 is amended by striking out all the words after the word "Acts" in the fourth line and inserting in lieu thereof the words "or regulations administered by the Department shall be guilty of an offence and may be proceeded against under *The Summary Convictions Act* and upon conviction shall incur a penalty of \$20," so that the subsection shall now read as follows: Rev. Stat., c. 62, s. 7, subs. 4, amended.

- (4) Every person who refuses to furnish any returns or information which may be lawfully required, or who hinders or obstructs any officer in the performance of his duties under this Act or any of the Acts or regulations administered by the Department shall be guilty of an offence and may be proceeded against under *The Summary Convictions Act* and upon conviction shall incur a penalty of \$20. Penalty for refusing information or interfering. Rev. Stat., c. 121.

Rev. Stat.,
c. 62, s. 7,
amended.

(3) The said section 7 is further amended by adding thereto the following subsection:

Penalty for
falsifying
records.

- (5) Every person who falsifies his records or returns or supplies incomplete or untrue information shall be guilty of an offence and may be proceeded against under *The Summary Convictions Act* and upon conviction shall incur a penalty of not less than \$50 and not more than \$300.

Rev. Stat.,
c. 121.
amended.

5. *The Department of Labour Act* is amended by adding thereto the following sections:

Stopping
work when
conditions
unsafe.

9. Whenever any inspector appointed under this Act or under any of the Acts or regulations administered by the Department of Labour is of the opinion that any work or installation to which any such Act or regulations apply or any portion of such work or installation is being carried on or has been installed in such manner as to be dangerous to life or property, he may, by written order to the employer, person, firm or corporation responsible for such work or installation, or to the contractor for any part thereof, order the immediate cessation of the work or operation of the plant or equipment or any portion thereof, which he considers unsafe.

Penalty
for non-
compliance.

10. Any person, firm or corporation employing persons on any work or installation to which any of the Acts or regulations administered by the Department of Labour apply, who refuses or neglects to comply with any order, direction or recommendation lawfully given in connection with the safe conduct of such work or installation shall be guilty of an offence and may be proceeded against under *The Summary Convictions Act* and upon conviction shall incur a penalty of not less than \$50 and not more than \$300.

Rev. Stat.,
c. 121.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

BILL

An Act to amend The Department
of Labour Act.

1st Reading

February 16th, 1932

2nd Reading

February 18th, 1932

3rd Reading

March 18th, 1932

MR. MONTEITH

No. 81

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Apprenticeship Act, 1928.

MR. MONTEITH

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 81

1932

BILL

An Act to amend The Apprenticeship Act, 1928.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Apprenticeship Act, 1932*.

1928, c. 25,
s. 2,
cls. b, c,
repealed. **2.**—(1) The clause lettered *b* in section 2 of *The Apprenticeship Act, 1928*, as re-enacted by section 2 of *The Apprenticeship Act, 1931*, and the clause lettered *c*, are repealed and the following substituted therefor:

“Employer” (b) “Employer” shall mean and include any person, firm or corporation, or municipal, provincial, or other public authority employing mechanics, helpers, labourers, apprentices, or other employees in connection with any of the designated trades or work incidental to these trades;

“Inspector” (c) “Inspector” shall mean the Inspector of Apprenticeship appointed under this Act and shall include the Chief Inspector.

1928, c. 25,
s. 2,
amended. (2) Section 2 of *The Apprenticeship Act, 1928*, as amended by section 2 of *The Apprenticeship Act, 1931*, is further amended by adding thereto the following clause:

“Board.” (aa) “Board” shall mean the Provincial Apprenticeship Board appointed under this Act.

1928, c. 25,
s. 4, subs. 1,
repealed. **3.** Subsection 1 of section 4 of *The Apprenticeship Act, 1928*, is repealed and the following substituted therefor.

Petition to
have trade
included
in Sched. A. (1) Upon receiving a petition signed by at least twenty-five employers in any trade or by not less than twenty per centum of such employers, where the total number in the Province does not exceed one hundred and twenty-five, asking to have such trade added to

EXPLANATORY NOTES

Section 2.—(1) Under the existing definition of "employer," some employers who are not willing to train apprentices or who feel that they are not in a position to do so because of the nature and extent of their operations feel that they should not be subject to assessment although they benefit from the Act in the same manner as those employers who participate in the training of future mechanics. It is felt that every employer who receives benefits from the Act should contribute his fair share to the assessment fund, although for the time being it is not deemed advisable to assess certain groups of employers who are not immediately affected and who will not receive direct benefits until the Act has been in operation for some years.

The words "and shall include the Chief Inspector" have been added. Chief Inspector has been included to distinguish between the head of the branch and district inspector.

(2) This refers to the Provincial Apprenticeship Board, appointed under the new section 5 enacted by section 4 of the Bill, which takes the place of the present Provincial Apprenticeship Committee.

3. The present section 4 provides that the petition must be signed by "at least twenty-five employers." In some trades it will be impossible to secure twenty-five signatures owing to the small number of employers in the Province and their wide distribution.

Schedule "A," the Board shall direct the Chief Inspector to enquire into the matter of the petition and he shall make such investigation as may be deemed necessary to determine whether or not such trade shall be added to Schedule "A."

1928, c. 25,
s. 5,
repealed.

4. Section 5 of *The Apprenticeship Act, 1928*, is repealed and the following substituted therefor:

Provincial
Apprentice-
ship Board.

5.—(1) For the purpose of this Act, the Lieutenant-Governor in Council may appoint a Provincial Apprenticeship Board to be composed of three members, one of whom shall be designated as chairman.

Appoint-
ment of
Chief
Inspector of
Apprentice-
ship and
Staff.

(2) The Lieutenant-Governor in Council may appoint a Chief Inspector of Apprenticeship for the purpose of carrying out the provisions of this Act and may also appoint such other officers, inspectors, or clerks as may be deemed expedient.

1928, c. 25,
s. 6,
amended.

5.—(1) Section 6 of *The Apprenticeship Act, 1928*, is amended by striking out the first two lines in the said section and inserting in lieu thereof the words "subject to the regulations it shall be the duty of the Chief Inspector."

1928, c. 25,
s. 6, cl. e,
repealed.

(2) The clause lettered *e* in the said section 6 is repealed and the following substituted therefor:

(e) to provide such information as may be required by the Board.

1928, c. 25,
s. 9,
subss. 1 and 2
repealed.

6.—(1) Subsections 1 and 2 of section 9 of *The Apprenticeship Act, 1928*, are repealed and the following substituted therefor:

Form of
contract.

(1) Every contract of apprenticeship shall be in the form prescribed by the Board and shall be approved by the Board before being registered.

1928, c. 25,
ss. 10, 11,
repealed.

7. Sections 10 and 11 of *The Apprenticeship Act, 1928*, are repealed and the following substituted therefor:

Minor
employed
under
contract
prior to
commence-
ment of Act.

10. Where a minor has been employed under a contract of apprenticeship in any designated trade prior to the date of the commencement of this Act or the date on which the trade was added to Schedule A, such contract shall within three months after the said date be registered at the office of the Chief Inspector, but such contract shall in other respects be regarded as if this Act had not been passed.

4. The present section 5 provides for the appointment of a Provincial Apprenticeship Committee to be composed of an equal number of employers and employees. The existing committee is too large. It cannot be made representative of all trades and a small Board with powers would prove more effective. Each trade would have its representatives deal direct with the Board.

5.—(1) This merely substitutes the words "Chief Inspector" for "Inspector."

(2) This substitutes "Board" for "apprenticeship committees."

Section 6.—(1) The present section 9 provides that every contract shall be in the form set out in Schedule B. The form set out in Schedule B is not adaptable to all trades.

(2) The present subsection 2 provides for the approval and registration of the contract.

Section 7. The new section 10 merely adds the words "or the date on which the trade was added to Schedule A" and substitutes "Chief Inspector" for "inspector."

The new section 11 provides for the addition of new trades at any future time.

Minor
employed
without
contract at
commence-
ment of Act.

11. Where a minor is employed as an apprentice in a designated trade, but not under a contract, the provisions of this Act shall in relation to any unexpired period of such apprenticeship apply as from the expiry of three months after the date on which the trade was added to Schedule A and the period during which any such minor was employed as an apprentice may, with the approval of the Board, be allowed as part of the time required to complete the full period of apprenticeship.

1928, c. 25,
s. 13,
repealed.

8. Section 13 of *The Apprenticeship Act, 1928*, is repealed.

1928, c. 25,
s. 15,
repealed.

9. Section 15 of *The Apprenticeship Act, 1928*, is repealed and the following substituted therefor:

Termina-
tion of
contract.

15. Subject to the approval of the Board, a contract of apprenticeship may be terminated by mutual agreement of all parties thereto, or it may be cancelled by the Chief Inspector, provided good and sufficient reason is adduced by the employer or apprentice or his guardian, and the fact of termination or cancellation shall be endorsed by the Chief Inspector upon the copy of the contract registered in his office.

1928, c. 25,
s. 16,
repealed.

10. Section 16 of *The Apprenticeship Act, 1928*, is repealed and the following substituted therefor:

Transfer
of contract.

16. Where the terms of a contract of apprenticeship cannot be fulfilled the Inspector may arrange for the transfer of the apprentice to another employer but such transfer shall not be regarded as completely effected until it has been approved by the Board and registered.

1928, c. 25,
s. 16a,
repealed.

11. Section 16a of *The Apprenticeship Act, 1928*, as enacted by subsection 1 of section 20 of *The Statute Law Amendment Act, 1930*, is repealed.

1928, c. 25,
s. 17,
repealed.

12. Section 17 of *The Apprenticeship Act, 1928*, as amended by subsection 2 of section 20 of *The Statute Law Amendment Act, 1930*, is repealed and the following substituted therefor:

Regulations.

17. Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations:

- (a) prescribing the period or periods of apprenticeship, the qualifications upon which apprenticeship may commence in any designated trade, the standard of education for the

Section 8. The section omitted provides that the inspector may use his discretion as to registering a contract of apprenticeship and that where a dispute arises with regard to registration the matter shall be settled by the Minister. This is unnecessary as the new subsection 1 of section 9 (section 6 of the Bill) provides that all contracts must be approved by the Board.

Section 9. This section substitutes the word "Board" for "Minister" in the first line, and "Chief Inspector" for "Inspector." The Board should approve all terminations and cancellations.

Section 10. This section provides that the transfer of a contract be approved by the Board. The present section requires the approval of the "apprenticeship committee."

Section 11. This is re-enacted as subsection 1 of section 21a. (See section 15 of Bill).

Section 12. All regulations will be submitted to Council by the Minister whose approval will be secured, but regulations should be initiated by the Board after consultation with representative employers and employees in the trades concerned.

Local trade committees may be formed where deemed advisable but should work through the Provincial Board which will determine their field of activity, powers, etc.

apprentice, the nature and number of educational classes to be attended by the apprentice, the course of training to be given the apprentice in a designated trade, the number of apprentices that may be employed by an employer in a designated trade, the issuance of a certificate to an apprentice who has completed his term of service, and the hours of labour and rates of wages for apprentices;

- (b) fixing the rate of assessment and governing the manner of making the assessment provided for in section 21*a* and the collection and distribution of same;
- (c) providing for the establishment for any defined area of an apprenticeship committee or committees, in one or more designated trades to advise the Board on all matters connected with the conditions governing apprenticeship within that area;
- (d) prescribing the powers, duties and functions of apprenticeship committees, and specifying the number and qualifications of the members thereof;
- (e) governing the procedure of an apprenticeship committee at its meetings and the time and place of such meetings;
- (f) providing for books, records and forms to be used by an apprenticeship committee;
- (g) generally such other matters as may be necessary for the proper carrying out of the provisions of this Act.

Board
authorized
to hold con-
ferences,
etc.

17*a*.—(1) The Board shall have authority to hold such conferences and make such enquiries as may be deemed necessary to determine the opinions and wishes of employers and employees in the designated trades regarding suggested changes and amendments in the Act and regulations, which may arise from time to time.

Representa-
tive organi-
zations to
be notified
of proposed
changes in
Act or regu-
lations.

(2) No change in the Act or regulations affecting any designated trade shall be made without serving written notice upon representative organizations of employers or employees in such trades, or, where no such organizations exist, upon at least ten

representative individuals in various parts of the Province, at least one month before the proposed change is to go into effect and providing opportunity for representatives of such employers and employees to meet the Board for a full discussion of the proposed changes.

Suggested
amendments
to be
submitted
to Board.

- (3) All suggestions or recommendations in connection with amendments to the regulations shall be submitted in writing to the Board through the Chief Inspector and where such requests come from ten or more employers or employees, the Board shall provide an opportunity for representatives of such petitioners to meet the Board within one month after submitting the recommendations.

Meetings
of Board.

- (4)—(a) Meetings of the Board shall be held on the call of the Chief Inspector who shall act as secretary to the Board.

Members—
term of
office

- (b) The members shall serve for a period of one year, but shall be eligible for reappointment.

Quorum.

- (c) The presence of two members of the Board shall constitute a quorum.

Non-attend-
ance at
meetings.

- (d) If a member of the Board fails to attend two successive meetings of the Board without due cause he shall be notified of such absence and if he fails to attend the third meeting his position on the Board may be declared vacant and his successor duly appointed.

1928, c. 25,
s. 18,
repealed.

- 13.** Section 18 of *The Apprenticeship Act, 1928*, is repealed.

1928, c. 25,
s. 20,
repealed.

- 14.** Section 20 of *The Apprenticeship Act, 1928*, is repealed and the following substituted therefor:

Expenses
of Board.

20. The members of the Board shall serve without remuneration but the Lieutenant-Governor in Council may fix an allowance to be payable to such members on their attendance at meetings, and all reasonable and necessary travelling and living expenses and all other expenses incurred by the Board in carrying out the provisions of this Act, shall when approved by the Minister, be payable out of such sums as may from time to time be appropriated by the Legislature for that purpose.

1928, c. 25,
amended.

- 15.** *The Apprenticeship Act, 1928*, is amended by adding thereto the following section:

Section 13. The section repealed provided for the appointment of a secretary of the apprenticeship committee. This is now unnecessary the Chief Inspector being named as secretary of the Board.

Section 14. This substitutes "Board" for "apprenticeship committee." Only members of the Board should receive allowances. Members of local committees serve without remuneration.

Employers
assessable
for cost of
system.

21a.—(1) To defray the cost of maintaining a system of apprenticeship, the Board may require employers in any designated trade to contribute annually or otherwise such sums as may be specified in the regulations.

Penalty
for default
in payment
of assess-
ment.

(2) If an assessment or any part of an assessment is not paid within the specified time, the employer shall be liable to pay as penalty for such default five per centum of the amount for which he is in default; and if a further month or more elapses before payment is made, an additional charge of one per centum of the amount remaining unpaid shall be made for each month or fraction of a month during which the default continues.

Certificate
of
assessment,
filing of

(3) Where payment of the whole or any part of the assessment is overdue, the Board may issue a certificate stating that the assessment was made, the amount remaining unpaid, the person or corporation by whom it was payable and such certificate or copy of it certified by a member of the Board to be a true copy may be filed with the clerk of any county or district court, or where the amount remaining unpaid does not exceed \$200, with the clerk of any division court, and when so filed, shall become an order of the court and may be enforced as a judgment of the court against such person or corporation for the amount mentioned in the certificate.

Duty of
Principals.

(4) Principals are required to see that contractors or subcontractors pay their assessments and are liable to make good any default, but are entitled to be indemnified by the contractor or subcontractor.

Subss. 2, 3,
4, retro-
active.

(5) Subsections 2, 3 and 4, being regulations adopted by Order-in-Council dated the 20th day of August, 1930, shall be deemed to have been in force and had effect as from the 20th day of August, 1930.

Commence-
ment of
Act.

16. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 15. 21a—(1) This is the same as present 16a except that "Board" has been substituted for "Minister," and the phrase "and administering this Act" is omitted. Administrative costs are paid by the Government.

(2, 3, 4)—These are transferred from existing regulations so as to remove all doubt as to the power of the Board to collect assessments as set forth.

(5)—This makes subsections 2, 3 and 4 retroactive to the date of the passing of the Order-in-Council. This is necessary by reason of pending cases in which employers refuse to acknowledge the right of the Department to collect through the bailiff. It is less expensive for all concerned and much more effective to collect through the bailiff than through regular court proceedings.

BILL

An Act to amend The Apprenticeship
Act, 1928.

1st Reading

February 16th, 1932

2nd Reading

3rd Reading

MR. MONTETH

No. 81

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Apprenticeship Act, 1928.

MR. MONTEITH

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 81

1932

BILL

An Act to amend The Apprenticeship Act, 1928.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Apprenticeship Act, 1932*.

1928, c. 25,
s. 2,
cls. b (1931,
c. 36, s. 2);
cl. c,
repealed. 2.—(1) The clause lettered *b* as re-enacted by section 2 of *The Apprenticeship Act, 1931*, and the clause lettered *c* in section 2 of *The Apprenticeship Act, 1928*, are repealed and the following substituted therefor:

“Employer” (b) “Employer” shall mean and include any person, firm or corporation, or municipal, provincial, or other public authority employing mechanics, helpers, labourers, apprentices, or other employees in connection with any of the designated trades or work incidental to these trades;

“Inspector” (c) “Inspector” shall mean inspector of apprenticeship appointed under this Act and shall include the Chief Inspector.

1928, c. 25,
s. 2,
amended. (2) Section 2 of *The Apprenticeship Act, 1928*, as amended by section 2 of *The Apprenticeship Act, 1931*, is further amended by adding thereto the following clause:

“Board.” (aa) “Board” shall mean the Provincial Apprenticeship Board appointed under this Act.

1928, c. 25,
s. 4, subs. 1,
repealed. 3. Subsection 1 of section 4 of *The Apprenticeship Act, 1928*, is repealed and the following substituted therefor:

Petition to
have trade
included
in Sched. A.

(1) Upon receiving a petition signed by at least twenty-five employers in any trade or by not less than twenty per centum of such employers, where the total number in the Province does not exceed one hundred and twenty-five, asking to have such trade added to

Schedule "A," the Board shall direct the Chief Inspector to enquire into the matter of the petition and he shall make such investigation as may be deemed necessary to determine whether or not such trade shall be added to Schedule "A."

4. Section 5 of *The Apprenticeship Act, 1928*, is repealed and the following substituted therefor: 1928, c. 25, s. 5, repealed.

5.—(1) For the purpose of this Act, the Lieutenant-Governor in Council may appoint a Provincial Apprenticeship Board to be composed of three members, one of whom shall be designated as chairman. Provincial Apprenticeship Board.

(2) The Lieutenant-Governor in Council may appoint a Chief Inspector of Apprenticeship for the purpose of carrying out the provisions of this Act and may also appoint such other officers, inspectors, or clerks as may be deemed expedient. Appointment of Chief Inspector of Apprenticeship and Staff.

5.—(1) Section 6 of *The Apprenticeship Act, 1928*, is amended by striking out the first two lines in the said section and inserting in lieu thereof the words "Subject to the regulations it shall be the duty of the Chief Inspector.—" 1928, c. 25, s. 6, amended.

(2) The clause lettered *e* in the said section 6 is repealed and the following substituted therefor: 1928, c. 25, s. 6, cl. e, repealed.

(*e*) to provide such information as may be required by the Board.

6.—(1) Subsections 1 and 2 of section 9 of *The Apprenticeship Act, 1928*, are repealed and the following substituted therefor: 1928, c. 25, s. 9, subss. 1 and 2 repealed.

(1) Every contract of apprenticeship shall be in the form prescribed by the Board and shall be approved by the Board before being registered. Form of contract.

7. Sections 10 and 11 of *The Apprenticeship Act, 1928*, are repealed and the following substituted therefor: 1928, c. 25, ss. 10, 11, repealed.

10. Where a minor has been employed under a contract of apprenticeship in any designated trade prior to the date of the commencement of this Act or the date on which the trade was added to Schedule A, such contract shall within three months after the said date be registered at the office of the Chief Inspector, but such contract shall in other respects be regarded as if this Act had not been passed. Minor employed under contract prior to commencement of Act.

Minor
employed
without
contract at
commence-
ment of Act.

11. Where a minor is employed as an apprentice in a designated trade, but not under a contract, the provisions of this Act shall in relation to any unexpired period of such apprenticeship apply as from the expiry of three months after the date on which the trade was added to Schedule A and the period during which any such minor was employed as an apprentice may, with the approval of the Board, be allowed as part of the time required to complete the full period of apprenticeship.

1928, c. 25,
s. 13,
repealed.

8. Section 13 of *The Apprenticeship Act, 1928*, is repealed.

1928, c. 25,
s. 15,
repealed.

9. Section 15 of *The Apprenticeship Act, 1928*, is repealed and the following substituted therefor:

Termina-
tion of
contract.

15. Subject to the approval of the Board, a contract of apprenticeship may be terminated by mutual agreement of all parties thereto, or it may be cancelled by the Chief Inspector, provided good and sufficient reason is adduced by the employer or apprentice or his guardian, and the fact of termination or cancellation shall be endorsed by the Chief Inspector upon the copy of the contract registered in his office.

1928, c. 25,
s. 16,
repealed.

10. Section 16 of *The Apprenticeship Act, 1928*, is repealed and the following substituted therefor:

Transfer
of contract.

16. Where the terms of a contract of apprenticeship cannot be fulfilled the Inspector may arrange for the transfer of the apprentice to another employer but such transfer shall not be regarded as completely effected until it has been approved by the Board and registered.

1928, c. 25,
s. 16a,
(1930, c. 21,
s. 20, subs.1),
repealed.

11. Section 16a of *The Apprenticeship Act, 1928*, as enacted by subsection 1 of section 20 of *The Statute Law Amendment Act, 1930*, is repealed.

1928, c. 25,
s. 17,
repealed.

12. Section 17 of *The Apprenticeship Act, 1928*, as amended by subsection 2 of section 20 of *The Statute Law Amendment Act, 1930*, is repealed and the following substituted therefor:

Regulations.

17. Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations:

- (a) prescribing the period or periods of apprenticeship, the qualifications upon which apprenticeship may commence in any designated trade, the standard of education for the

apprentice, the nature and number of educational classes to be attended by the apprentice, the course of training to be given the apprentice in a designated trade, the number of apprentices that may be employed by an employer in a designated trade, the issuance of a certificate to an apprentice who has completed his term of service, and the hours of labour and rates of wages for apprentices:

- (b) fixing the rate of assessment and governing the manner of making the assessment provided for in section 21a and the collection and distribution of same;
- (c) providing for the establishment for any defined area of an apprenticeship committee or committees, in one or more designated trades to advise the Board on all matters connected with the conditions governing apprenticeship within that area;
- (d) prescribing the powers, duties and functions of apprenticeship committees, and specifying the number and qualifications of the members thereof;
- (e) governing the procedure of an apprenticeship committee at its meetings and the time and place of such meetings;
- (f) providing for books, records and forms to be used by an apprenticeship committee;
- (g) generally such other matters as may be necessary for the proper carrying out of the provisions of this Act.

- 17a.—(1) The Board shall have authority to hold such conferences and make such enquiries as may be deemed necessary to determine the opinions and wishes of employers and employees in the designated trades regarding suggested changes and amendments in the Act and regulations, which may arise from time to time. Board authorized to hold conferences, etc.
- (2) No change in the Act or regulations affecting any designated trade shall be made without serving written notice upon representative organizations of employers or employees in such trades, or, where no such organizations exist, upon at least ten Representative organizations to be notified of proposed changes in Act or regulations.

representative individuals in various parts of the Province, at least one month before the proposed change is to go into effect and providing opportunity for representatives of such employers and employees to meet the Board for a full discussion of the proposed changes.

Suggested
amendments
to be
submitted
to Board.

- (3) All suggestions or recommendations in connection with amendments to the regulations shall be submitted in writing to the Board through the Chief Inspector and where such requests come from ten or more employers or employees, the Board shall provide an opportunity for representatives of such petitioners to meet the Board within one month after submitting the recommendations.

Meetings
of Board.

- (4) (a) Meetings of the Board shall be held on the call of the Chief Inspector who shall act as secretary to the Board.

Members—
term of
office

- (b) The members shall serve for a period of one year, but shall be eligible for reappointment.

Quorum.

- (c) The presence of two members of the Board shall constitute a quorum.

Non-attend-
ance at
meetings.

- (d) If a member of the Board fails to attend two successive meetings of the Board without due cause he shall be notified of such absence and if he fails to attend the third meeting his position on the Board may be declared vacant and his successor duly appointed.

1928, c. 25,
s. 18,
repealed.

- 13.** Section 18 of *The Apprenticeship Act, 1928*, is repealed.

1928, c. 25,
s. 20,
repealed.

- 14.** Section 20 of *The Apprenticeship Act, 1928*, is repealed and the following substituted therefor:

Expenses
of Board.

20. The members of the Board shall serve without remuneration but the Lieutenant-Governor in Council may fix an allowance to be payable to such members on their attendance at meetings, and all reasonable and necessary travelling and living expenses and all other expenses incurred by the Board in carrying out the provisions of this Act, shall when approved by the Minister, be payable out of such sums as may from time to time be appropriated by the Legislature for that purpose.

1928, c. 25,
amended.

- 15.** *The Apprenticeship Act, 1928*, is amended by adding thereto the following section:

21a.—(1) To defray the cost of maintaining a system of apprenticeship, the Board may require employers in any designated trade to contribute annually or otherwise such sums as may be specified in the regulations.

Employers
assessable
for cost of
system.

(2) If an assessment or any part of an assessment is not paid within the specified time, the employer shall be liable to pay as penalty for such default, five per centum of the amount for which he is in default; and if a further month or more elapses before payment is made, an additional charge of one per centum of the amount remaining unpaid shall be made for each month or fraction of a month during which the default continues.

Penalty
for default
in payment
of assess-
ment.

(3) Where payment of the whole or any part of the assessment is overdue, the Board may issue a certificate stating that the assessment was made, the amount remaining unpaid, the person or corporation by whom it was payable and such certificate or copy of it certified by a member of the Board to be a true copy may be filed with the clerk of any county or district court, or where the amount remaining unpaid does not exceed \$200, with the clerk of any division court, and when so filed, shall become an order of the court and may be enforced as a judgment of the court against such person or corporation for the amount mentioned in the certificate.

Certificate
of
assessment,
filing of

(4) Subsections 2 and 3, being regulations adopted by Order-in-Council dated the 20th day of August, 1930, shall be deemed to have been in force and had effect as from the 20th day of August, 1930.

Subss. 2 and
3, retro-
active.

16. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of
Act

BILL

An Act to amend The Apprenticeship
Act, 1928.

1st Reading

February 16th, 1932

2nd Reading

February 22nd, 1932

3rd Reading

March 25th, 1932

MR. MONTEITH

No. 82

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting Operating Engineers.

MR. MONTEITH.

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Operating Engineers.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Operating Engineers Act, 1932.*

Interpre- **2.** In this Act,—
tation.

"Air
compressor
plant."

(a) "Air compressor plant" shall mean and include a compressor or compressors, driven by power other than steam, and every part thereof and things connected therewith and used with reference to any such compressor used for the purpose of compressing air or other gas, and not used for refrigerating purposes;

"Board."

(b) "Board" shall mean Board of Examiners, appointed as herein provided;

"Chief
engineer."

(c) "Chief engineer" shall mean a person who, at all times, has full responsibility of the care and operation of boilers, engines, compressors and pumps and things connected therewith and used with reference to any such boilers, engines, compressors and pumps;

"Fireman."

(d) "Fireman" shall mean a person who operates a boiler or boilers of 200 horse power or less during the engineer's brief absence from the boiler room while engaged on duties concerning boilers, engines, compressors or pumps, or things used with reference to any such boiler, engine, compressor or pump.

"Hoisting
plant."

(e) "Hoisting plant" shall mean and include a steam boiler and steam engine or a steam or internal combustion engine or electric motor or engine driven by air and every part thereof, and things connected therewith and used with reference to any such

EXPLANATORY NOTES.

The purpose of this Bill is to repeal *The Stationary and Hoisting Engineers Act* and to substitute therefor *The Operating Engineers Act* which embodies a general revision of the existing statute in order to facilitate the administration of the Act and to bring it into conformity with existing practice. Several definitions are being added and certain textual changes made to clarify the intent of the Act. The use of the term "operating engineer" is also in conformity with modern practice.

boiler, engine or motor, when used as the motive power to operate machinery used for raising or lowering material, but said machinery shall not include conveyors nor passenger or freight elevators, except when used during construction work, nor a permanent overhead electric crane mounted on a permanent structure;

"Horse power of an internal combustion engine."

- (f) "Horse power of an internal combustion engine" shall mean horse power as calculated from the following formula:

$$\text{H.P.} = \frac{(\text{diam. of cylinders in inches})^2 \times \text{number of cylinders.}}{2.5}$$

"Horse power of a refrigerating or air compressor plant."

- (g) "Horse power of a refrigerating or air compressor plant" shall mean the brake horse power rating of the motive power driving the compressor or compressors;

"Horse power of a stationary steam plant composed of boilers."

- (h) "Horse power of a stationary steam plant composed of boilers" shall mean the equivalent to the evaporation of $34\frac{1}{2}$ pounds of water per hour from and at 212 degrees based on the peak load or 15 square feet heating surface for return tubular boilers—12 square feet heating surface for locomotive type boiler—10 square feet heating surface for water-tube boilers;

"Minister."

- (i) "Minister" shall mean Minister of Labour";

"Oiler."

- (j) "Oiler" shall mean a person who operates an engine or engines, pump or pumps, or compressor or compressors, during the brief absence of the engineer from the engine or compressor room while engaged on duties concerning boilers, engines, compressors or pumps, or things used with reference to any such boilers, engines, compressors, or pumps, but not while absent from the plant;

"Portable plant."

- (k) "Portable plant" shall mean and include a steam boiler and every part thereof and things connected therewith and used with reference to any such boiler used for construction work and not mounted on a self-propelling vehicle;

"Refrigerating plant."

- (l) "Refrigerating plant" shall mean and include a compressor or compressors, driven by power other than steam, and every part thereof and things

connected therewith and used with reference to any such compressors, where used in the process of refrigeration and located in one building or adjoining buildings;

"Regulations."

- (m) "Regulations" shall mean regulations made under the authority of this Act;

"Shift engineer."

- (n) "Shift engineer" shall mean a person who operates and takes charge of boilers, engines, compressors or pumps under the direction of a chief engineer;

"Stationary steam plant."

- (o) "Stationary steam plant" shall mean and include a steam boiler or boilers, steam engine or engines, steam pump or pumps, or any combination of engines, boilers, and pumps and every part thereof and thing connected therewith, or used with reference to any such boilers, engines or pumps, in one building, or in two or more buildings, if said buildings are not separated by a distance of more than three hundred feet and under the one management;

"Traction plant."

- (p) "Traction plant" shall mean and include a steam boiler and steam engine and every part thereof and things connected therewith and used with reference to any such boiler or engine, when used as the motive power to operate machinery mounted on a self-propelling vehicle and used for traction purposes or road construction work;

"Watchman."

- (q) "Watchman" of boilers shall mean a person who takes charge of a boiler or boilers exceeding 25 horse power and discharging steam, when the engineer is absent from the plant and when the total evaporation of water in the said boiler or boilers is less than 25 horse power in any one hour during the period of the engineer's absence.

Exceptions.

3. Nothing in this Act shall apply to the operation of any stationary steam plant or refrigerating plant or air compressor plant having a capacity of 25 horse power or less, nor to a plant of 35 horse power or less composed of a boiler and a compressor, providing each unit is less than 25 horse power, nor to a hoisting plant, when the motive power is an internal combustion engine or electric motor of 25 horse power or less, nor to steam boiler or boilers equipped with safety valve set to relieve the steam pressure at 15 pounds or under, providing the aggregate horse power of said boiler or boilers situated in one plant does not exceed 200 horse power, nor to the operation of a locomotive used on a chartered railroad,

Section 3. This section has been enlarged to provide for exceptions in connection with internal combustion engines and electric motor driven hoists of 25 horse-power or less since there is small danger connected with their operation and to extend to 35 the combined horse-power allowable in certain cases.

The exception of steam boilers with safety valve set to relieve the steam pressure at 15 instead of 10 pounds or under for low pressure plants is in order to conform with boiler inspection rules and the standard practice of insurance companies.

"Not adjacent to the shore" makes clear the intention that portable plants used in floating rafts and other vessels in connection with the construction of docks, piers, breakwaters, etc., or industrial work, should be under supervision.

nor to steam boats, nor to tugs, nor any plant situated on a vessel floating on navigable waters, and not adjacent to the shore, nor to a hoist at a mine, nor to boilers or engines used for agricultural purposes.

Board of
Examiners.

4.—(1) The Lieutenant-Governor in Council may appoint a board of examiners consisting of three or five competent and independent engineers, one of whom shall be designated as chairman, who shall possess the qualifications required by the regulations and shall hold office during pleasure and, subject to the regulations mentioned in the following section, shall prescribe the subjects in which candidates for certificates of qualification as stationary or hoisting and traction engineers shall be examined and shall conduct or provide for and supervise the examination of candidates and report thereon to the Minister.

Staff of
Board

(2) The Lieutenant-Governor in Council may appoint such examiners, officers, inspectors, clerks and servants of the Board as may be deemed necessary.

Regulations.

5. The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations for:

- (a) Prescribing the qualifications to be required in the case of members of the Board of Examiners;
- (b) The examination of candidates, the granting of certificates, the classifying of the holders of certificates into their respective grades and the evidence to be furnished by candidates as to previous training or experience and sobriety and good character;
- (c) Determining the time of duration of certificates and their renewal;
- (d) Fixing the fees to be paid by candidates upon examination and for certificates and their renewal;
- (e) Prescribing the causes for which a certificate may be revoked, cancelled or suspended;
- (f) Fixing the fees or other remuneration to be paid to members and officers of the Board.

Qualifica-
tion of
Candidates.

6. A person shall not be eligible for examination unless he is a British subject, or has expressed his intention of becoming a Canadian citizen and has the necessary residence qualifications for becoming a Canadian citizen required by the Dominion *Naturalization Act* and has made application to the proper authorities for naturalization papers.

Sections 4 and 5. The qualifications required of the members of the Board of Examiners are being omitted from this Act and instead provision is made to have them prescribed by the regulations.

Certificates of qualification. 7.—(1) On the recommendation of the Board, and on payment of the prescribed fees, the Minister may issue certificates of qualifications to engineers and firemen, and certificates of registration to plant owners.

Revocation or suspension. (2) Subject to the regulations, a certificate may be revoked, cancelled or suspended by the Minister on the recommendation of the Board at any time.

Particulars as to plants to be furnished by owners. (3) It shall be the duty of all owners of steam plants and refrigeration and compressor plants to advise the Board, on a printed form, supplied by the Board on application, of the horse power of the plant and pressure at which safety valves on boilers and tanks are set to relieve said pressure, on receipt of which, the Minister will issue a registration certificate. Any change made in the plant subsequent to registration will necessitate a registration of same.

Information to be supplied on request. (4) It shall be the duty of all owners of internal combustion engines to supply the Board, upon request, with information regarding the diameter and number of cylinders.

Operating without certificates. 8. The duties of an engineer may be performed for a period not exceeding fourteen days by any person, providing the engineer, for reasons other than dismissal, absents himself from his post without having given seven days' notice; provided that at the end of such period an engineer with the proper qualifications is employed.

Provisional certificates. 9. The Board at its discretion may grant a provisional certificate of corresponding horse power to be good for a period not to exceed one year to any person who holds an engineer's certificate from the Board or other duly constituted authority of any other province of Canada.

Engineer's certificate when to be kept on view. 10.—(1) The certificate of qualification shall at all times be exposed to view in the engine, compressor or boiler room in which the holder thereof is employed, except in the case of a hoisting, traction or portable plant, when such certificate shall be carried upon the person of the operator.

Plant registration certificate to be exposed to view. (2) The certificate of plant registration shall at all times be exposed to view in the engine, compressor or boiler room of the plant.

Non-compliance evidence of lack of qualification. (3) Failure to comply with the provisions of subsections 1 and 2 of this section shall be *prima facie* evidence of the lack of qualification under this Act.

Application of Act to persons other than engineers. 11. This Act shall not apply to workmen acting under the personal direction or supervision of an engineer holding a

Section 7.—(4) This information is required in order to facilitate the determining of horse-power of internal combustion engines in case of dispute.

certificate under this Act, who is actually in charge of a steam or refrigeration plant, nor to the employees of steam or refrigeration plant contractors engaged in installing, setting up or testing of boiler or steam or refrigeration plant. This section shall not apply to hoisting engineers.

Appeal to
Minister
from Board.

12. Any person who deems himself aggrieved by the decision of the Board, may appeal therefrom to the Minister, upon giving such notice as the Minister may prescribe, and the decision of the Minister shall be final.

Annual
Report of
Board.

13. The Board shall on or before the 15th day of November in every year make to the Minister a report in writing for the year ending on the 31st day of October of the previous year showing:

- (a) the number of certificates granted;
- (b) the number of applications for certificates refused and the causes for refusal;
- (c) the number of certificates revoked, cancelled or suspended, and the causes for same;
- (d) the amount of fees received from candidates or holders of certificates;
- (e) the number of plants registered during the year;
- (f) the amount of fees received from plant owners for registration purposes;
- (g) such other matters as may be directed by the Minister or the Lieutenant-Governor in Council.

Right to
enter
premises.

14.—(1) Any member of the Board or any inspector on presentation of authority in writing, signed by the Minister, may enter any premises wherein he has reason to believe there is a plant, and make such inspection as may be necessary to determine whether the provisions of this Act are being complied with.

Penalty for
interfering.

(2) Any person who interferes with or obstructs a member of the Board or inspector in the exercise of the powers conferred on him, shall incur a penalty not exceeding \$100 and not less than \$10.

Penalty for
impersona-
tion.

(3) Any person impersonating another and presenting himself for examination under a false name in order to obtain a certificate for a person other than himself, shall incur a penalty not exceeding \$200 and not less than \$50.

Section 14.—(2) The minimum penalty of \$10 is added instead of
“a penalty not exceeding \$100.”

(3) The penalty of “not less than \$200” is reduced to “not exceeding
\$200 and not less than \$50.”

Penalty for
operating
without
certificate.

15. Every person who,—

- (a) except as provided in section 8, operates a steam or refrigeration or air compressor or hoisting or traction or portable plant as the engineer in charge thereof, or as fireman or oiler at a stationary steam or refrigerating plant under an engineer, without the certificate required by this Act, or employs or permits any person to operate a stationary steam plant or refrigeration plant or air compressor plant or hoisting or traction or portable plant as the engineer in charge or as fireman or oiler at a stationary steam or refrigeration plant without such certificate; or,
- (b) is guilty of a contravention of subsections 3 or 4 of section 7;

shall incur a penalty not exceeding \$50 and not less than \$25.

Duty of
factory
inspectors.

16. It shall be the duty of the inspectors of factories, appointed under *The Factory, Shop and Office Building Act*, and of government officials engaged on road construction work, to assist in the enforcement of this Act, and to report to the Board any violation thereof.

Penalties
recoverable
under
Rev. Stat.,
c. 121.

17. The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*, and all fees collected shall be remitted to the Chairman of the Board of Examiners of Operating Engineers, cheques being made payable to the Treasurer of Ontario.

Rev. Stat.,
c. 207,
repealed.

18. *The Stationary and Hoisting Engineers Act*, being Chapter 207 of the Revised Statutes of Ontario, 1927, is repealed.

Commence-
ment of Act.

19. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 15.—(b) A maximum penalty is stated instead of "a penalty of not less than \$25."

Section 16. Many construction plants are being operated on the highway and this section provides that all government officials on highway work, as well as factory inspectors, be required to assist in the enforcement of this Act by reporting any violations thereof to the Board.

BILL

An Act respecting Operating Engineers.

1st Reading

February 17th, 1932

2nd Reading

3rd Reading

MR. MONTEITH.

No. 82

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting Operating Engineers.

MR. MONTEITH.

BILL

An Act respecting Operating Engineers.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Operating Engineers Act, 1932.*

Interpretation.

2. In this Act,—

"Air compressor plant."

(a) "Air compressor plant" shall mean and include a compressor or compressors, driven by power other than steam, and every part thereof and things connected therewith and used with reference to any such compressor used for the purpose of compressing air or other gas, and not used for refrigerating purposes;

"Board."

(b) "Board" shall mean Board of Examiners, appointed as herein provided;

"Chief engineer."

(c) "Chief engineer" shall mean a person who, at all times, has full responsibility of the care and operation of boilers, engines, compressors and pumps and things connected therewith and used with reference to any such boilers, engines, compressors and pumps;

"Fireman."

(d) "Fireman" shall mean a person who operates a boiler or boilers of 200 horse power or less during the engineer's brief absence from the boiler room while engaged on duties concerning boilers, engines, compressors or pumps, or things used with reference to any such boiler, engine, compressor or pump.

"Hoisting plant."

(e) "Hoisting plant" shall mean and include a steam boiler and steam engine or a steam or internal combustion engine or electric motor or engine driven by air and every part thereof, and things connected therewith and used with reference to any such

boiler, engine or motor, when used as the motive power to operate machinery used for raising or lowering material, but said machinery shall not include conveyors nor passenger nor freight elevators, except when used during construction work, nor a permanent overhead electric crane mounted on a permanent structure;

- (f) "Horse power of an internal combustion engine" shall mean horse power as calculated from the following formula: "Horse power of an internal combustion engine."

$$\text{H.P.} = \frac{(\text{diam. of cylinders in inches})^2 \times \text{number of cylinders.}}{2.5}$$

- (g) "Horse power of a refrigerating or air compressor plant" shall mean the brake horse power rating of the motive power driving the compressor or compressors; "Horse power of a refrigerating or air compressor plant."

- (h) "Horse power of a stationary steam plant composed of boilers" shall mean the equivalent to the evaporation of $34\frac{1}{2}$ pounds of water per hour from and at 212 degrees based on the peak load or 15 square feet heating surface for return tubular boilers—12 square feet heating surface for locomotive type boiler—10 square feet heating surface for water-tube boilers; "Horse power of a stationary steam plant composed of boilers."

- (i) "Minister" shall mean Minister of Labour; "Minister."

- (j) "Oiler" shall mean a person who operates an engine or engines, pump or pumps, or compressor or compressors, during the brief absence of the engineer from the engine or compressor room while engaged on duties concerning boilers, engines, compressors or pumps, or things used with reference to any such boilers, engines, compressors, or pumps, but not while absent from the plant; "Oiler."

- (k) "Portable plant" shall mean and include a steam boiler and every part thereof and things connected therewith and used with reference to any such boiler used for construction work and not mounted on a self-propelling vehicle; "Portable plant."

- (l) "Refrigerating plant" shall mean and include a compressor or compressors, driven by power other than steam, and every part thereof and things "Refrigerating plant."

connected therewith and used with reference to any such compressors, where used in the process of refrigeration and located in one building or adjoining buildings;

"Regulations."

(m) "Regulations" shall mean regulations made under the authority of this Act;

"Shift engineer."

(n) "Shift engineer" shall mean a person who operates and takes charge of boilers, engines, compressors or pumps under the direction of a chief engineer;

"Stationary steam plant."

(o) "Stationary steam plant" shall mean and include a steam boiler or boilers, steam engine or engines, steam pump or pumps, or any combination of engines, boilers, and pumps and every part thereof and thing connected therewith, or used with reference to any such boilers, engines or pumps, in one building, or in two or more buildings, if said buildings are not separated by a distance of more than three hundred feet and under the one management;

"Traction plant."

(p) "Traction plant" shall mean and include a steam boiler and steam engine and every part thereof and things connected therewith and used with reference to any such boiler or engine, when used as the motive power to operate machinery mounted on a self-propelling vehicle and used for traction purposes or road construction work;

"Watchman."

(q) "Watchman" of boilers shall mean a person who takes charge of a boiler or boilers exceeding 25 horse power and discharging steam, when the engineer is absent from the plant and when the total evaporation of water in the said boiler or boilers is less than 25 horse power in any one hour during the period of the engineer's absence.

Exceptions.

3. Nothing in this Act shall apply to the operation of any stationary steam plant or refrigerating plant or air compressor plant having a capacity of 25 horse power or less, nor to a plant of 35 horse power or less composed of a boiler and a compressor, providing each unit is less than 25 horse power, nor to a hoisting plant, when the motive power is an internal combustion engine or electric motor of 25 horse power or less, nor to steam boiler or boilers equipped with safety valve set to relieve the steam pressure at 15 pounds or under, providing the aggregate horse power of said boiler or boilers situated in one plant does not exceed 200 horse power, nor to the operation of a locomotive used on a chartered railroad,

nor to steam boats, nor to tugs, nor any plant situated on a vessel floating on navigable waters, and not adjacent to the shore, nor to a hoist at a mine, nor to boilers or engines used for agricultural purposes.

4.—(1) The Lieutenant-Governor in Council may appoint a board of examiners consisting of three or five competent and independent engineers, one of whom shall be designated as chairman, who shall possess the qualifications required by the regulations and shall hold office during pleasure and, subject to the regulations mentioned in the following section, shall prescribe the subjects in which candidates for certificates of qualification as stationary or hoisting and traction engineers shall be examined and shall conduct or provide for and supervise the examination of candidates and report thereon to the Minister. ^{Board of Examiners.}

(2) The Lieutenant-Governor in Council may appoint such examiners, officers, inspectors, clerks and servants of the Board as may be deemed necessary. ^{Staff of Board}

5. The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations for: ^{Regulations.}

- (a) prescribing the qualifications to be required in the case of members of the Board of Examiners;
- (b) the examination of candidates, the granting of certificates, the classifying of the holders of certificates into their respective grades and the evidence to be furnished by candidates as to previous training or experience and sobriety and good character;
- (c) determining the time of duration of certificates and their renewal;
- (d) fixing the fees to be paid by candidates upon examination and for certificates and their renewal;
- (e) prescribing the causes for which a certificate may be revoked, cancelled or suspended;
- (f) fixing the fees or other remuneration to be paid to members and officers of the Board.

6. A person shall not be eligible for examination unless he is a British subject, or has expressed his intention of becoming a Canadian citizen and has the necessary residence qualifications for becoming a Canadian citizen required by the Dominion *Naturalization Act* and has made application to the proper authorities for naturalization papers. ^{Qualification of Candidates.}

Certificates
of
qualification.

7.—(1) On the recommendation of the Board, and on payment of the prescribed fees, the Minister may issue certificates of qualification to engineers and firemen, and certificates of registration to plant owners.

Revocation
or
suspension.

(2) Subject to the regulations, a certificate may be revoked, cancelled or suspended by the Minister on the recommendation of the Board at any time.

Particulars
as to plants
to be
furnished
by owners.

(3) It shall be the duty of all owners of steam plants and refrigeration and compressor plants to advise the Board, on a printed form, supplied by the Board on application, of the horse power of the plant and pressure at which safety valves on boilers and tanks are set to relieve said pressure, on receipt of which, the Minister may issue a registration certificate. Any change made in the plant subsequent to registration will necessitate a registration of same.

Information
to be
supplied on
request.

(4) It shall be the duty of all owners of internal combustion engines to supply the Board, upon request, with information regarding the diameter and number of cylinders.

Operating
without
certificates.

8. The duties of an engineer may be performed for a period not exceeding fourteen days by any person, providing the engineer, for reasons other than dismissal, absents himself from his post without having given seven days' notice; provided that at the end of such period an engineer with the proper qualifications is employed.

Provisional
certificates.

9. The Board at its discretion may grant a provisional certificate of corresponding horse power to be good for a period not to exceed one year to any person who holds an engineer's certificate from the Board or other duly constituted authority of any other province of Canada.

Engineer's
certificate,—
when to be
kept on view.

10.—(1) The certificate of qualification shall at all times be exposed to view in the engine, compressor or boiler room in which the holder thereof is employed, except in the case of a hoisting, traction or portable plant, when such certificate shall be carried upon the person of the operator.

Plant
registration
certificate
to be exposed
to view.

(2) The certificate of plant registration shall at all times be exposed to view in the engine, compressor or boiler room of the plant.

Non-
compliance
evidence
of lack of
qualification.

(3) Failure to comply with the provisions of subsections 1 and 2 of this section shall be *prima facie* evidence of the lack of qualification under this Act.

Application
of Act to
persons
other than
engineers.

11. This Act shall not apply to workmen acting under the personal direction or supervision of an engineer holding a

certificate under this Act, who is actually in charge of a steam or refrigeration plant, nor to the employees of steam or refrigeration plant contractors engaged in installing, setting up or testing a boiler or steam or refrigeration plant. This section shall not apply to hoisting engineers.

12. Any person who deems himself aggrieved by the decision of the Board, may appeal therefrom to the Minister, upon giving such notice as the Minister may prescribe, and the decision of the Minister shall be final.

13. The Board shall on or before the 15th day of November in every year make to the Minister a report in writing for the year ending on the 31st day of October of the previous year showing,—

- (a) the number of certificates granted;
- (b) the number of applications for certificates refused and the causes for refusal;
- (c) the number of certificates revoked, cancelled or suspended, and the causes for same;
- (d) the amount of fees received from candidates or holders of certificates;
- (e) the number of plants registered during the year;
- (f) the amount of fees received from plant owners for registration purposes;
- (g) such other matters as may be directed by the Minister or the Lieutenant-Governor in Council.

14.—(1) Any member of the Board or any inspector on presentation of authority in writing, signed by the Minister, may enter any premises wherein he has reason to believe there is a plant, and make such inspection as may be necessary to determine whether the provisions of this Act are being complied with.

(2) Any person who interferes with or obstructs a member of the Board or inspector in the exercise of the powers conferred on him, shall incur a penalty not exceeding \$100 and not less than \$10.

(3) Any person impersonating another and presenting himself for examination under a false name in order to obtain a certificate for a person other than himself, shall incur a penalty not exceeding \$200 and not less than \$50.

Penalty for
operating
without
certificate.

15. Every person who,—

- (a) except as provided in section 8, operates a steam or refrigeration or air compressor or hoisting or traction or portable plant as the engineer in charge thereof, or as fireman or oiler at a stationary steam or refrigerating plant under an engineer, without the certificate required by this Act, or employs or permits any person to operate a stationary steam plant or refrigeration plant or air compressor plant or hoisting or traction or portable plant as the engineer in charge or as fireman or oiler at a stationary steam or refrigeration plant without such certificate; or,
- (b) is guilty of a contravention of subsection 3 or 4 of section 7;

shall incur a penalty not exceeding \$50 and not less than \$25.

Duty of
factory
inspectors.

16. It shall be the duty of the inspectors of factories, appointed under *The Factory, Shop and Office Building Act, 1932*, to assist in the enforcement of this Act, and to report to the Board any violation thereof.

Penalties
recoverable
under
Rev. Stat.,
c. 121.

17. The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*, and all fees collected shall be remitted to the Chairman of the Board of Examiners of Operating Engineers, cheques being made payable to the Treasurer of Ontario.

Rev. Stat.,
c. 207,
repealed.

18. *The Stationary and Hoisting Engineers Act*, being Chapter 207 of the Revised Statutes of Ontario, 1927, is repealed.

Commence-
ment of Act.

19. This Act shall come into force on the day upon which it receives the Royal Assent

BILL

An Act respecting Operating Engineers.

1st Reading

February 17th, 1932

2nd Reading

February 19th, 1932

3rd Reading

March 22nd, 1932

MR. MONTEITH.

No. 83

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Public Service Act.

MR. HENRY (York East)

No. 83

1932

BILL

An Act to amend The Public Service Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Public Service Act, 1932*.

Rev. Stat.,
c. 16, s. 51,
repealed. **2.** Section 51 of *The Public Service Act* is repealed and the following substituted therefor:

Administra-
tion of
Part III. 51. This Part shall be administered by a Board to be known as the Public Service Superannuation Board, which shall consist of three members to be appointed by the Lieutenant-Governor in Council and one of the members so appointed shall be a representative of and employed in the Ontario Civil Service.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

In *The Ontario Public Service Superannuation Act, 1920*, provision was made that the Board administering the superannuation fund should consist of "the President of the Executive Council, who shall be the chairman thereof, the Civil Service Commissioner, one representative to be appointed by each of the recognized political parties in the Legislature and a representative of the Ontario Civil Service Association."

In 1924 a section similar to the proposed section 51 was inserted in the Act to come into force on proclamation. This section has never been proclaimed and it is probable that it was repealed by its inclusion in the schedule of repealed Acts in the Revised Statutes of 1927.

BILL

An Act to amend The Public Service Act.

1st Reading

February 17th, 1932

2nd Reading

3rd Reading

MR. HENRY (York East)

No. 83

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Public Service Act.

MR. HENRY (York East)

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 83


1932

BILL


An Act to amend The Public Service Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Public Service Act, 1932*.

Rev. Stat.,
c. 16, s. 14,
amended.  **2.** Section 14 of *The Public Service Act* is amended by adding thereto the following subsection:

"Civil
servants,"
meaning of.

(10) In this section "civil servants" shall mean and include both permanent and temporary employees of any department of the Government whether engaged at the seat of government at Toronto or elsewhere. 

Rev. Stat.,
c. 16, s. 51,
repealed. **3.** Section 51 of *The Public Service Act* is repealed and the following substituted therefor:

Administra-
tion of
Part III.

51. This Part shall be administered by a Board to be known as the Public Service Superannuation Board, which shall consist of three members to be appointed by the Lieutenant-Governor in Council and one of the members so appointed shall be a representative of and employed in the Ontario Civil Service.

Commence-
ment of Act. **4.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Section 2: Section 14 is the section which deals with the attachment of salaries of civil servants. As the law stood for many years the salary of a civil servant could not be attached because it was payable to him by the Crown. About the year 1897 provision was made for attaching the salaries of civil servants and they were put on practically the same footing as other employees. The object of the amendment is to make it clear that what are known as "outside employees" are in the same position in this respect as persons employed at the seat of government.

Section 3: In *The Ontario Public Service Superannuation Act, 1920*, provision was made that the Board administering the superannuation fund should consist of "the President of the Executive Council, who shall be the chairman thereof, the Civil Service Commissioner, one representative to be appointed by each of the recognized political parties in the Legislature and a representative of the Ontario Civil Service Association."

In 1924 a section similar to the proposed section 51 was inserted in the Act to come into force on proclamation. This section has never been proclaimed and it is probable that it was repealed by its inclusion in the schedule of repealed Acts in the Revised Statutes of 1927.

Bill
An Act to amend The Public Service Act.

1st Reading

February 17th, 1932

2nd Reading

February 22nd, 1932

3rd Reading

MR. HENRY (York East)

*(Reprinted as amended in Committee of
the Whole House.)*

No. 83

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Public Service Act.

MR. HENRY (York East)

No. 83

1932

BILL

An Act to amend The Public Service Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Public Service Act, 1932*.

Rev. Stat.,
c. 16, s. 14,
amended. 2. Section 14 of *The Public Service Act* is amended by adding thereto the following subsection:

"Civil
servants,"
meaning of. (10) In this section "civil servants" shall mean and include both permanent and temporary employees of any department of the Government whether engaged at the seat of government at Toronto or elsewhere.

Rev. Stat.,
c. 16, s. 51,
repealed. 3. Section 51 of *The Public Service Act* is repealed and the following substituted therefor:

Administra-
tion of
Part III. 51. This Part shall be administered by a Board to be known as the Public Service Superannuation Board, which shall consist of three members to be appointed by the Lieutenant-Governor in Council and one of the members so appointed shall be a representative of and employed in the Ontario Civil Service.

Rev. Stat.,
c. 16,
amended. 4. *The Public Service Act* is amended by adding thereto the following section:

Refunds
exempt from
municipal
income tax. 65. Money repaid to a civil servant upon his resigning or otherwise leaving the civil service, or to his widow, shall not be liable to assessment or taxation for municipal income tax.

Commence-
ment of Act. 5. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Public Service Act.

1st Reading

February 17th, 1932

2nd Reading

February 22nd, 1932

3rd Reading

March 18th, 1932

MR. HENRY (York East)

No. 84

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Veterinary Science Practice Act, 1931.

MR. WATERS

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 84

1932

BILL

An Act to amend The Veterinary Science Practice Act, 1931.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Veterinary Science Practice Act, 1932*.

1931,
c. 44, s. 8,
amended.

2. Section 8 of *The Veterinary Science Practice Act, 1931*, is amended by adding thereto the following clause:

(c) Persons granted certificates to practice under clause *c* of section 5 of *The Veterinary Science Practice Act, 1920*, or under the provisions of *The Veterinary Science Practice Act, R.S.O. 1927, chapter 208*.

1931,
c. 44, s. 9,
repealed.

3. Section 9 of *The Veterinary Science Practice Act, 1931*, is repealed.

1931,
c. 44, s. 12,
amended.

4. Section 12 of *The Veterinary Science Practice Act, 1931*, is amended by adding at the end thereof the following words, "but nothing in this section shall preclude veterinarians formerly granted certificates to practice under clause *c* of section 5 of *The Veterinary Science Practice Act, 1920*, from using and continuing to use the titles that they used under that Act."

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Section 2 will permit all practising veterinarians in Ontario to come under the Act passed in 1931 and be subject to the control of the Ontario Veterinary Association. Under the Act in force prior to 1931, some veterinarians were under the control of the Minister of Agriculture, but the majority came under the control of the Ontario Veterinary Association.

Section 3. With the amendment provided for in section 2, the repealed section is no longer necessary.

Section 4. This allows veterinarians formerly under the control of the Minister of Agriculture to continue using the titles that they have been accustomed to use under the Act of 1920.

BILL

An Act to amend The Veterinary Practice
Act, 1931.

1st Reading

February 19th, 1931

2nd Reading

3rd Reading

MR. WATERS

No. 85

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Assessment Act.

MR. MCBRIEN

No. 85

1932

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 238, s. 121,
(1929,
c. 63, s. 7),
amended.

1. Section 121 of *The Assessment Act* as enacted by section 7 of *The Assessment Amendment Act, 1929*, and amended by subsection 8 of section 3 of *The Assessment Amendment Act, 1930*, is further amended by adding thereto the following subsection:

Application
to Court of
Revision for
refund of
portion of
paid taxes.

- (5) An application under clause *a* of subsection 1 may be made in respect of taxes which have been paid, and in such cases the court of revision, subject to the provisions of any by-law, may reject the application or may order that the corporation refund a portion of such taxes, and the corporation may refund the same accordingly.

EXPLANATORY NOTE

Under section 121 as now enacted a Court of Revision has no power to order refunds of taxes which have been paid, it can only order cancellation or reduction of unpaid taxes. The amendment will make it possible for a portion of paid taxes to be refunded in cases of vacant tenements, subject to the provisions of any municipal by-law governing such refunds.

BILL

An Act to amend The Assessment Act.

1st Reading

February 22nd, 1932

2nd Reading

3rd Reading

MR. MCBRIEN

No. 86

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Local Improvement Act.

MR. BELL

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 235, s. 40,
subs. 1,
amended.

1. Subsection 1 of section 40 of *The Local Improvement Act* is amended by striking out the words "the unfinished work and any unsettled claims for lands taken or injuriously affected by the opening, widening, extending, grading, altering the grade of, diverting or improving a street" in the third, fourth, fifth and sixth lines, and inserting in lieu thereof the words "any unfinished portion of the work and any unsettled claims for lands taken for or injuriously affected by the work," so that the section shall now read as follows:

Estimate of
cost of
unfinished
work and
unsettled
claims.

40.—(1) In ascertaining the actual cost of the work under the next preceding section where in the opinion of the engineer and assessment commissioner or treasurer the cost of any unfinished portion of the work and any unsettled claims for lands taken for or injuriously affected by the work will not exceed in amount 25 per centum of the total estimated cost of the work, the engineer and assessment commissioner or treasurer may estimate the cost of such unfinished work, and the amount of all such claims, and the amount may be included in the actual cost to be ascertained and certified under the next preceding section, and shall be deemed to be the correct amount thereof subject to any order made with reference thereto by the court of revision.

EXPLANATORY NOTE

Section 40 in its present form enables the final cost of the work of opening, widening, grading, improving, etc., a street to be certified to the Court of Revision although the work is not completed if the unfinished work and land damage claims, if any, are certified as being less than 25 per cent. of the total estimated cost. The amendment will widen the scope of the section so that a certificate can be given as to the final cost of any local improvement work if the unfinished portion or unsettled land damage claims do not exceed 25 per cent. of the total estimated cost. The effect of the amendment will be to make possible an earlier assessment of all local improvement works and a prompter issue of debentures for permanent financing of the cost.

BILL

An Act to amend The Local Improvement
Act.

1st Reading

February 22nd, 1932

2nd Reading

3rd Reading

MR. BELL

No. 87

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Railway and Municipal Board Act.

MR. ELLIS.

No. 87

1932

BILL

An Act to amend The Railway and Municipal Board Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Railway and Municipal Board Act, 1932*.

Rev. Stat.,
c. 225,
s. 2, clause a,
amended.

2.—(1) Clause *a* of section 2 of *The Railway and Municipal Board Act* is amended by adding at the end thereof the following words: "and shall include a motor transportation system as defined in clause *c*."

Rev. Stat.,
c. 225, s. 2,
clause (c),
added.

(2) The said section 2 is further amended by adding thereto the following clause:

"Motor
transporta-
tion system"
defined.

(c) "Motor transportation system" shall mean motor busses, motor trucks, or other motor vehicles operated by or on behalf of any person carrying on upon the highway the business of a public carrier of passengers, goods, wares, or merchandise, and running between two or more municipalities, but shall not include a motor bus, motor truck, or other motor vehicle while hired or used by any person for the transportation of his own goods, wares or merchandise exclusively.

Rev. Stat.,
c. 225, s. 20,
amended.

3. Section 20 of *The Railway and Municipal Board Act* is amended by adding thereto the following subsections:

Motor
transporta-
tion system
to be licensed
by the
Board.

(1a) No person shall from and after a date to be named by the Lieutenant-Governor by his Proclamation operate any motor transportation system without first having obtained a license so to do from the Board.

Powers of
Board.

(1b) The Board shall have power to grant such license whenever it finds that such operation is necessary

EXPLANATORY NOTE

The object of this Bill is to transfer from the Department of Highways to the Ontario Railway and Municipal Board control over public vehicles and public commercial vehicles.

or convenient for the public benefit and may from time to time cancel or suspend such license.

Rules and regulations.

- (1c) The Board may, subject to the approval of the Lieutenant-Governor in Council, make such rules and regulations as it may from time to time deem necessary, relating to the equipment and operation of the motor busses, motor trucks and motor vehicles used in a motor transportation system and as to the license fees to be charged.

Routes and tariffs.

- (1d) The Board shall fix the route or routes to be followed by a motor transportation system, and shall also from time to time fix the tariffs of tolls and rates to be charged by a motor transportation system.

Rev. Stat.,
cc. 252, 253,
1928, c. 43;
1930, c. 49,
repealed.

4. *The Public Vehicle Act, The Public Vehicle Amendment Act, 1928, The Public Commercial Vehicle Act and The Public Commercial Vehicle Amendment Act, 1930*, are repealed.

Commence-
ment of Act.

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

BILL

An Act to amend The Railway and
Municipal Board Act.

1st Reading

February 24th, 1932

2nd Reading

3rd Reading

MR. ELLIS

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Municipal Act.

MR. ELLIOTT (Rainy River).

No. 88

1932

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 233, s. 47,
amended.

1. Section 47 of *The Municipal Act* is amended by adding thereto the following subsection:

Election
by wards.

(3) Where a town in unorganized territory has been divided into wards the council may provide that the council shall be composed of a mayor and one councillor for each ward, and the remaining councillors to complete the full number of six or nine, as the case may be, to be elected by general vote.

Rev. Stat.,
c. 233, s. 48,
subs. 4,
amended.

2.—(1) Subsection 4 of section 48 of *The Municipal Act* is amended by striking out the word and figure "subsection 2" where they first occur in the second line and inserting in lieu thereof the words and figures "subsections 2 or 3."

Rev. Stat.,
c. 233, s. 48,
subs. 5,
amended.

(2) Subsection 5 of the said section 48 is amended by striking out the word and figure "subsection 2" where they first occur in the first and second lines and inserting in lieu thereof the words and figures "subsections 2 or 3."

Rev. Stat.,
c. 233, s. 49,
repealed.

3. Section 49 of *The Municipal Act* is repealed and the following substituted therefor:

Population,
how deter-
mined.

49. For the purposes of sections 46 to 48 the population shall be determined by the last revised assessment roll of the municipality.

EXPLANATORY NOTES

Section 1. While section 44 of *The Municipal Act* provides for a town in unorganized territory being divided into wards there is no provision in the Act for election of council by wards in such a town. The amendment makes provision for that purpose.

Section 2. The amendments to subsections 4 and 5 of section 48 are to make the provisions thereof apply where an election is held by wards in towns in unorganized territory so that the by-law must be passed with the approval of the electors and stay in effect for at least two elections.

Section 3. Present section 49 stipulates that the population for the purposes of determining the constitution of a town council is to be ascertained from the latest Dominion census. The object of the amendment is to have the population for such purposes determined from the latest revised assessment roll instead.

BILL

An Act to amend The Municipal Act

1st Reading

February 25th, 1932

2nd Reading

3rd Reading

MR. ELLIOTT (Rainy River)

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Steam Boiler Act.

MR. MONTEITH

No. 89

1932

BILL

An Act to amend The Steam Boiler Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Steam Boiler Act, 1932*.

Rev. Stat.,
c. 308,
amended.

2. *The Steam Boiler Act* is amended by adding thereto the following section:

Penalty for
contraven-
tion in such
manner as to
endanger
safety of
persons.

10a.—(1) Every owner or manufacturer who knowingly contravenes any of the provisions of this Act or the regulations in such a manner as to endanger the safety of any person or who refuses or neglects to comply with any order, direction or recommendation lawfully given or made under this Act or the regulations dealing with the safe manufacture, installation or repair of steam boilers shall be guilty of an offence and shall incur a penalty of not less than \$50 and not more than \$300.

Penalty
when not
otherwise
provided.

(2) Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and where no other penalty is provided shall incur a penalty of not less than \$10 and not more than \$50.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

The primary object of *The Steam Boiler Act* and the regulations is to secure safe boilers. The Act as it stands contains no penalty for contraventions of the safety requirements of the Act and the regulations. The purpose of the section added is to provide two penalty clauses:

- (1) For contravention whereby the safety of persons is endangered;

- (2) For minor violations for which a penalty has not otherwise been provided.

BILL

An Act to amend The Steam Boiler Act.

1st Reading

2nd Reading

3rd Reading

MR. MONTEITH

No. 89

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Steam Boiler Act.

MR. MONTEITH

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 89

1932

BILL

An Act to amend The Steam Boiler Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Steam Boiler Act, 1932*.

Rev. Stat.,
c. 308,
amended.

2. *The Steam Boiler Act* is amended by adding thereto the following section:

Penalty for
contraven-
tion in such
manner as to
endanger
safety of
persons.

10a.—(1) Every owner or manufacturer who knowingly contravenes any of the provisions of this Act or the regulations in such a manner as to endanger the safety of any person or who refuses or neglects to comply with any order, direction or recommendation lawfully given or made under this Act or the regulations dealing with the safe manufacture, installation or repair of steam boilers shall be guilty of an offence and shall incur a penalty of not less than \$50 and not more than \$300.

Penalty
when not
otherwise
provided.

(2) Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and where no other penalty is provided shall incur a penalty of not less than \$10 and not more than \$50.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Steam Boiler Act.

1st Reading

February 26th, 1932

2nd Reading

February 29th, 1932

3rd Reading

March 18th, 1932

MR. MONTETH

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Municipal Act.

MR. SINGER

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 233,
amended.

1. *The Municipal Act* is amended by adding thereto the following section:

Sale of
stolen and
abandoned
property in
possession
of police.

367a.—(1) Where any motor vehicle, bicycle or any personal property of any kind whatsoever is in the possession of the Board or a member of the police force by reason of having been stolen from its owner or by reason of having been found abandoned in any public place and the Board is unable to ascertain the owner thereof, the Board may cause the same to be sold or otherwise disposed of as hereinafter set forth and may retain to its own use the proceeds of such sale or disposition.

Procedure
for sale.

(2) When such property is perishable the sale or disposition of same may be made at any time without notice of any kind. When such property is not perishable, the Board may sell the same by public auction after at least ten days' notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality. Any such sale may be adjourned from time to time until the property is sold.

Rev. Stat.,
c. 251, not
affected.

(3) This section shall be subject to the provisions of *The Highway Traffic Act*.

EXPLANATORY NOTES

The Municipal Act has not hitherto recognized the practice of selling stolen and abandoned articles and the object of the amendment is to legalize the practice. Under present law, stolen and abandoned articles if not claimed belong to the Crown as royalties. The amendment is similar to the provisions contained in *The Ontario Railway Act*.

Subsection 3 protects the lien for storage charges, etc., which *The Highway Traffic Act* affords when seized or abandoned cars are stored by the police.

BILL

An Act to amend The Municipal Act.

1st Reading

February 26th, 1932

2nd Reading

3rd Reading

MR. SINGER

No. 91

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to repeal The Bulk Sales Act.

MR. SMITH (South Essex)

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 91

1932

BILL

An Act to repeal The Bulk Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Bulk Sales Repeal Act, 1932*.

Rev. Stat.,
c. 167;
1928, c. 24,
repealed. **2.** *The Bulk Sales Act*, being chapter 167 of the Revised Statutes of Ontario, 1927, and chapter 24 of the Statutes of 1928, being *An Act to amend The Bulk Sales Act*, are repealed.

Pending
litigation
and certain
agreements
not affected. **3.** This Act shall not apply to existing litigation, or to the purchase of any stock in bulk in respect to which the vendor and purchaser have executed an agreement in writing on or before the day upon which this Act shall come into force.

Commence-
ment of Act. **4.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Section 2. *The Bulk Sales Act*, Revised Statutes, chapter 167, was first enacted in 1917. It was intended to put a stop to the fraudulent disposition of his stock-in-trade by a merchant who had liabilities to wholesalers and others. The Act declared to be "fraudulent" any sale where the purchaser did not take the precautions set out in the Act in order to ensure that the creditors of the vendor would be paid out of the proceeds of the sale.

Section 3. This prevents the repealing Act applying to pending matters.

BILL

An Act to repeal The Bulk Sales Act.

1st Reading

February 29th, 1932

2nd Reading

3rd Reading

MR. SMITH (South Essex)

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Embalmers and Funeral Directors Act, 1928.

MR. ROBB

No. 92

1932

BILL

An Act to amend The Embalmers and Funeral Directors Act, 1928.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Embalmers and Funeral Directors Act, 1932*.

1928,
c. 31, s. 3,
subs. 1,
amended. **2.**—(1) Subsection 1 of section 3 of *The Embalmers and Funeral Directors Act, 1928*, is amended by striking out the word “five” in the third line and inserting in lieu thereof the word “three,” so that the subsection shall now read as follows:

Board of
examiners. (1) The Lieutenant-Governor in Council may appoint a Board to be known as the “Board of Examiners” consisting of three qualified funeral directors who shall hold office for such term and be paid such fees or other remuneration as may be determined by the Lieutenant-Governor in Council.

1928,
c. 31, s. 3,
subs. 3,
amended. (2) Subsection 3 of the said section 3 is amended by striking out the words “Any three” at the commencement of the said subsection and inserting in lieu thereof the word “Two,” so that the subsection shall now read as follows:

Quorum. (3) Two members of the Board shall constitute a quorum.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Section 2.—(1) This decreases the number of members of the Board from five to three. A Board of five is unnecessarily large and results in unnecessarily high costs for administration of the Act. A Board of three appears to be ample.

(2) The present subsection 3 of section 3 provides that any three members of the Board shall form a quorum. The decrease in the number of members of the Board makes two sufficient for a quorum.

BILL

An Act to amend The Embalmers and
Funeral Directors Act, 1928.

1st Reading

February 29th, 1932

2nd Reading

3rd Reading

MR. ROBB

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Embalmers and Funeral Directors Act, 1928.

MR. ROBB

No. 92

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Board of
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c. 31, s. 3,
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amended. (2) Subsection 3 of the said section 3 is amended by striking out the words “Any three” at the commencement of the said subsection and inserting in lieu thereof the word “Two,” so that the subsection shall now read as follows:

Quorum. (3) Two members of the Board shall constitute a quorum.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Embalmers and
Funeral Directors Act, 1928.

1st Reading

February 29th, 1932

2nd Reading

March 2nd, 1932

3rd Reading

March 18th, 1932

MR. ROBB

No. 93

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Public Health Act.

MR. ROBB

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 93

1932

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Public Health Act, 1932*.

Rev. Stat.,
c. 262, s. 5,
amended. **2.** Section 5 of *The Public Health Act* is amended by adding thereto the following subsection:

Medical
officer of
health,—
appoint-
ment of. (4) Where it appears to the Department to be in the interests of the public health, the Minister may appoint the medical officer of a Government institution a medical officer of health with duties confined to the institution and to the inmates and staff thereof.

Rev. Stat.,
c. 262, s. 6,
amended. **3.** Section 6 of *The Public Health Act* is amended by adding thereto the following clause:

(t) the inspection and licensing of plants and premises for the manufacture of non-intoxicating beverages, distilled and mineral water and the manufacture of syrup, wines and brewed beer.

Commence-
ment of Act. **4.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Section 2. It is desirable and would add to the convenience of the staff of a government institution, such as the Ontario Mental Hospital at Cobourg, the Ontario Reformatory at Guelph and other institutions of a similar nature, to have the medical officer of the institution given the statutory authority of a medical officer of health, for the purposes of the institution only and the inmates and staff thereof, for the reason that in many cases the statutory authority of the medical officer of health is required by the medical officer of the institution in his contact with the inmates and staff of the institution.

It is not infrequently both difficult and inconvenient to obtain the assistance and co-operation of the municipal M.O.H. in this connection. The powers suggested in this amendment would be used only in such cases as the Minister would be of opinion that the public interest would be served by making such appointment and a separate appointment would be made by Order-in-Council for each of the institutions in which the appointment would appear to the Minister desirable.

Section 3. Through information obtained from the Bottlers' Association and from other sources, it has been found that plants for the manufacture of aerated water, etc., are, many of them, in a most unsanitary condition from structural defects, unsatisfactory equipment and methods of operation, both careless and ignorant. After a thorough trial it has been ascertained that the issue of a permit based on inspection by the local health authorities is not sufficient, and it is proposed to introduce Provincial inspection which will be more effective. The cost of the inspection would be covered by a license fee levied on the operators.

BILL

An Act to amend The Public Health Act.

1st Reading

February 29th, 1932

2nd Reading

3rd Reading

MR. ROBB

No. 93

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Public Health Act.

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Short title. **1.** This Act may be cited as *The Public Health Act, 1932*.

Rev. Stat.,
c. 262, s. 5,
amended. **2.** Section 5 of *The Public Health Act* is amended by adding thereto the following subsection:

Medical
officer of
health,—
appoint-
ment of. (4) Where it appears to the Department to be in the interests of the public health, the Minister may appoint the medical officer of a Government institution a medical officer of health with duties confined to the institution and to the inmates and staff thereof.

Rev. Stat.,
c. 262, s. 6,
amended. **3.** Section 6 of *The Public Health Act* is amended by adding thereto the following clause:

(t) the inspection and licensing of plants and premises for the manufacture of non-intoxicating beverages, distilled and mineral water and the manufacture of syrup, wines and brewed beer.

Commence-
ment of Act. **4.** This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Public Health Act.

1st Reading

February 29th, 1932

2nd Reading

March 2nd, 1932

3rd Reading

March 18th, 1932

MR. ROBB

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to appropriate \$5,000,000 for Northern Development Purposes.

MR. FINLAYSON

No. 94

1932

BILL

An Act to appropriate \$5,000,000 for Northern Development Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Northern Ontario Appropriation Act, 1932*.

Additional Appropriation of \$5,000,000 **2.** In addition to the amounts provided by the *Northern Ontario Appropriation Acts* heretofore enacted, there shall be set apart out of the Consolidated Revenue Fund the sum of \$5,000,000 and the same shall be applied for the purposes set out in *The Northern Development Act* and in *The Returned Soldiers' and Sailors' Land Settlement Acts*, or any of them.

Rev. Stat.,
c. 36, 1917;
c. 13, 1919;
c. 15.

When
additional
sums
required.

3. The Lieutenant-Governor in Council may place to the credit of the said funds such additional sum or sums as may be required to meet payments, which may be authorized to be met out of the said fund and for the purposes set out in the said Acts or any of them.

Commence-
ment of Act. **4.** This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to appropriate \$5,000,000 for
Northern Development Purposes.

1st Reading

March 4th, 1932

2nd Reading

3rd Reading

MR. FINLAYSON

No. 94

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to appropriate \$5,000,000 for Northern Development Purposes.

MR. FINLAYSON

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 94

1932

BILL

An Act to appropriate \$5,000,000 for Northern Development Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

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Additional Appropriation of \$5,000,000.

2. In addition to the amounts provided by the *Northern Ontario Appropriation Acts* heretofore enacted, there shall be set apart out of the Consolidated Revenue Fund the sum of \$5,000,000 and the same shall be applied for the purposes set out in *The Northern Development Act* and in *The Returned Soldiers' and Sailors' Land Settlement Acts*, or any of them.

Rev. Stat., c. 36; 1917, c. 13; 1919, c. 15.

When additional sums required.

3. The Lieutenant-Governor in Council may place to the credit of the said funds such additional sum or sums as may be required to meet payments, which may be authorized to be met out of the said fund and for the purposes set out in the said Acts or any of them.

Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to appropriate \$5,000,000 for
Northern Development Purposes.

1st Reading

March 4th, 1932

2nd Reading

March 8th, 1932

3rd Reading

March 18th, 1932

MR. FINLAYSON

No. 95

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Local Improvement Act.

MR. FINLAYSON

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Local Improvement Act, 1932*.

Rev. Stat.,
c. 235,
s. 8,
repealed. **2.** Section 8 of *The Local Improvement Act* is repealed and the following substituted therefor:

Construction
of certain
classes of
local
improvement
works to
require
approval of
Municipal
Board before
Council
proceeds.

8.—(1) Where the council determines and by by-law passed at any meeting by a vote of two-thirds of all the members thereof declares it is desirable that the construction of a curbing, pavement, sidewalk, sewer, watermain or bridge, or the opening, widening, extending, grading, altering the grade of, diverting or improving a street, or the extension of a system of water works, or of private drain connections or water service pipes under the provisions of section 4, should be undertaken as a local improvement, the council may with the approval of the Railway and Municipal Board pass a by-law to undertake the work.

Petition not
requisite.

(2) Where the undertaking of the work is approved by the Railway and Municipal Board no petition required by section 11 shall be necessary and the owners shall not have the right of petition provided by section 12.

Notice of
application
to Board.

(3) Where it is intended to proceed under this section the council shall not be deemed to proceed on the initiative plan but there shall be published at least once a week for two weeks a notice of intention, Form IA, to apply to the Railway and Municipal Board for approval of the work being undertaken and the said notice shall specify the place, date and

EXPLANATORY NOTES

Section 2. The revision of section 8 is to require that a council which desires to construct pavements, sewers and the other works mentioned may only do so with the approval of the Municipal Board and after a hearing at which property owners may voice their objections.

It is generally felt that the powers conferred by section 8 have in recent years been subjected to improper use and that some limitation should be imposed on a council in proceeding with local improvement works which have not been petitioned for.

time fixed by the said Board for the hearing of the application.

Further
notices
on order of
Board.

- (4) The said Board may, prior to or upon the hearing of the application for approval of any work being undertaken, direct such further or other notice or notices, Form 1 or otherwise, to be given by the council and the said Board may make such order with respect to the work as may seem proper.

Work not to
proceed
until
approval
given.

- (5) The work shall not be undertaken until the approval of the said Board to the passing of the by-law therefor has been obtained.

What Form
IA may
include.

- (6) The notice, Form IA, when published, may relate to and include any number of different works.

Rev. Stat.,
c. 235,
amended.

3. *The Local Improvement Act* is amended by adding thereto the following form:

FORM IA.

(SECTION 8)

Take notice that,—

1. The Council of the Corporation of the _____ of _____ intends to construct as a local improvement (*describe the work*) on (*or in*) _____ street between (*describe the points between which the work is to be constructed*) and intends to specially assess a part of the cost upon the land abutting directly on the work (*in case other land is to be specially assessed, add*) and upon the following land which is immediately benefited by the work (*describe the land*).
2. The estimated cost of the work is \$ _____ of which \$ _____ is to be paid by the Corporation. The estimated cost per foot frontage is \$ _____. The special assessment is to be paid in _____ equal annual instalments and the estimated annual rate per foot frontage is _____ cents.
3. Application has been made by the Corporation to the Ontario Railway and Municipal Board for its approval of the undertaking of the said work and the Board will hear the said application on _____ day, the _____ day of _____ 19____, at the hour of _____ o'clock, _____ m. at (*name the place of hearing*) when any

Section 3. To conform with the change in procedure set forth in revised section 8 a new form of notice is necessary.

objections to the said work being undertaken will be considered.

Dated

Clerk.

(NOTE.—Where it is intended to assess part of the cost upon non-abutting land, the form of notice is to be amended to show the cost per foot frontage and annual frontage rate to be charged against such lands).

Rev. Stat.,
c. 235, s. 9,
amended.

4. Section 9 of *The Local Improvement Act* is amended by inserting after the word "watermain" in the sixth line the words "or of private drain connections or water service pipes under the provisions of section 4," so that the section shall now read as follows:

Construction
of sewer
etc., on
recommen-
dation of
Minister
of Health.

9. Where the council, upon the recommendation of the Minister of Health or of the local board of health of the municipality, determines and, by by-law passed at a regular or special meeting of the council by vote of two-thirds of all the members thereof, declares that the construction, enlargement or extension of a sewer or watermain or of private drain connections or water service pipes under the provisions of section 4 as a local improvement is necessary or desirable in the public interest on sanitary grounds, the council may undertake the work without petition, and the owners of the land shall not have the right of petition provided for by section 12.

Rev. Stat.,
c. 235, s. 10,
repealed.

5. Section 10 of *The Local Improvement Act* is repealed and the following substituted therefor:

Notice of
intention
to undertake
work to be
published
by council.

10.—(1) Where it is intended to proceed under section 9 the council shall not be deemed to proceed on the initiative plan, but, before passing the by-law for undertaking the work, shall cause notice of its intention, Form I to be published. Such notice may relate to and include any number of different works.

Objection
to con-
struction of
work on
two-thirds
vote of
council.

(2) Where the council proceeds with any local improvement under subsection 1, a majority of the owners representing at least one-half the value of the lots which are to be specially assessed therefor, being dissatisfied with such local improvement or with the manner in which it has been undertaken, may by petition apply to the Railway and Municipal Board for relief, and the Board may thereupon investigate the complaint and make such order with respect to the local improvement as may seem

Section 4. With the revision of sections 8 and 10 it is necessary to make this amendment to section 9 so that construction of private drain connections and water service pipes will also be subject to the procedure set forth in section 10.

Section 5. The revision of section 8 requires that section 10 also be revised so that its provisions will in future relate only to sewers and watermain works undertaken as a sanitary measure.

proper, and after notice to the clerk of the municipality of the application and pending its determination by the Board, the council shall not proceed with the local improvement work.

Sufficiency
of petition.

- (3) The sufficiency of such petition shall be determined in the manner provided by section 15.

Filing of
petition.

- (4) Such petition shall be deposited with the secretary of the Railway and Municipal Board within twenty-one days after the publication of notice of the council's intention to undertake the work.

Time for
passing
by-law.

- (5) The by-law for undertaking the work shall not be passed until the expiry of the said twenty-one days.

An Act to amend The Local Improvement
Act

1st Reading

March 4th, 1931

2nd Reading

3rd Reading

MR. FINLAYSON

No. 96

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to establish the Grand River Conservation Commission.

MR. FINLAYSON

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 96

1932

BILL

An Act to establish the Grand River Conservation Commission.

Preamble.

WHEREAS the Grand River and its tributaries the Nith, Speed and Conestoga Rivers, and the creeks and streams flowing thereinto drain an area of approximately twenty-six hundred square miles in the counties of Grey, Dufferin, Wellington, Perth, Waterloo, Halton, Oxford, Brant, Wentworth, Norfolk and Haldimand, in the Province of Ontario; and whereas the people of the municipalities and the municipalities throughout the valley of the Grand River have been subjected to great financial loss, property damage, distress and inconvenience through the frequently occurring floods of the Grand River and its tributaries during the Spring freshets, and through the inadequate supply of water for municipal, domestic and manufacturing purposes during seasons of drought; and whereas the seasonal floods and water shortages are caused by the state of excessive deforestation, the lack of proper water storage facilities and the efficient land drainage system existing in the area which have contributed to effect an excessively fast run-off of surface waters into the rivers and streams of the area during periods of rainfall and during the Spring freshets; and whereas it is deemed expedient that legislation be enacted which will provide the authority for the creation of a commission to investigate and report on and to carry out the necessary works whereby the waters of the Grand River and its tributaries may be controlled in times of flood, and conserved to more effectively afford a sufficient supply of water for municipal, domestic and manufacturing purposes throughout the said drainage basin during periods of water shortage;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Grand River Conservation Commission Act, 1932*.

Interpre-
tation.

2. In this Act, except in so far as the provisions of this section would give to any word or words, expression or clause, an interpretation inconsistent with the context,—

“Municipality.”

- (a) “Municipality” shall mean any of the Counties of Grey, Dufferin, Wellington, Perth, Waterloo, Halton, Oxford, Brant, Wentworth, Norfolk and Haldimand, or any incorporated city, town, village or township in any of the said counties;

“Municipal Board.”

- (b) “Municipal Board” shall mean the Ontario Railway and Municipal Board;

“Commission.”

- (c) “Commission” shall mean the Grand River Conservation Commission.

Commissioner,—
appointment of

3. Any municipality may, by by-law, appoint a person hereinafter referred to as a “commissioner” for the purposes hereinafter provided and such commissioner shall be authorized by such by-law to do all things necessary to effectively carry out the provisions of this Act.

Petition for
charter.

4.—(1) Five or more commissioners appointed as aforesaid may petition the Lieutenant-Governor for the grant of a charter constituting such petitioners and such other commissioners who may thereafter become members, a corporation without share capital for the purposes for which the authority of this Act extends.

Particulars
to be shown
in petition.

(2) The petition shall show,—

- (a) that the petitioners desire to be incorporated under the name “Grand River Conservation Commission”;
- (b) that the object for which the Commission is being incorporated is to fully carry out the provisions of this Act;
- (c) the place within Ontario where the head office of the Commission is to be situate, the name in full, the place of residence and the calling of each of the petitioners and the municipality by which each petitioner is appointed;

EXPLANATORY NOTES.

Section 2. Interpretation section. Clause (a) includes all the counties and local municipalities through which the Grand River passes.

Section 3. Provides for the appointment of a commissioner by each of the municipalities interested.

Section 4.—(1) Provides for the incorporation of the commissioners for convenience sake.

(2) Sets out particulars to be shown in petition.

- (d) that each of the petitioners has been appointed by municipality by-law and is authorized by such municipality to act as a commissioner under the provisions of this Act.

Objects of
Com-
mission.

5. The objects for which the said Commission shall be incorporated are as follows,—

- (a) To make a geographic and hydrographic survey of the drainage basin of the Grand River and its tributaries;
- (b) To employ engineers, surveyors, foresters, clerks, workmen and other necessary persons to more effectively examine and survey the drainage basin of the Grand River and its tributaries;
- (c) To spend such moneys as may be necessary in the payment of salaries and for materials and supplies in order to carry out the purposes of the Commission;
- (d) To report to the Lieutenant-Governor in Council the findings and recommendations of the Commission relative to the control, improvement and conservation of the Grand River and its tributaries;
- (e) To carry out such works, constructions and improvements and to spend such moneys as may be authorized by the Lieutenant-Governor in Council.
- (f) To do all things necessary in furtherance of the above;

Appointment
of additional
Commis-
sioners.

6. Other municipalities may by by-law appoint commissioners to become members of the incorporated Commission upon application to the Commission and upon payment of such fees and of such proportion of the cost of the work of the Commission to date of such application as the Municipal Board may direct.

Consent
of munici-
pality
to work
undertaken
therein.

7. No work shall be undertaken within the limits of any municipality and no proportion of the cost of any work undertaken under the provisions of this Act shall be chargeable against any municipality without the consent of such municipality; and such consent shall be evidenced by the filing with the Commission of a certified copy of the by-law authorizing such work and authorizing the payment of a proportion of the cost thereof.

Cost of
work,—
how borne.

8. All moneys required for the general purposes of the Commission and all moneys required to pay the cost of the works authorized by and undertaken under the authority of

Section 5. Sets out the objects for which the Commission is incorporated.

Section 6. Provides a method of adding to the members of the Commission.—the Municipal Board to settle any differences as to apportionment of cost, etc.

Section 7. Requires the consent of the municipality to any work to be done within the limits of the municipality.

Section 8. Provides for the apportionment of costs.

this Act shall be provided by the municipalities in the proportions as may be ascertained and determined by the Commission.

Application
of funds.

9. The moneys required by the Commission shall be provided and paid for to the Commission from time to time on the application of the Commission. The application may state the total sum required at the time of making such application and the portion thereof required from and payable by each of the said municipalities, and the date or dates upon which each of the said municipalities shall pay the required amount or amounts to the Commission and the said application shall be delivered to the municipalities at least two months before the end of the fiscal year of the municipality.

Application
to be in
writing.

- (a) The application shall be in writing and sealed with the seal of the Commission and signed by the chairman and secretary. A duplicate original shall be delivered to the clerk of each of the municipalities, at least four calendar months before the date of the first payment required under the application.

Recovery
of funds.

10. The sum stated in any such application as payable by any of the said municipalities, when due and payable by such municipality to the Commission, may be recovered by the Commission from such municipality by suit in any court of competent jurisdiction.

- (a) The application as made or as amended by the Municipal Board on appeal shall be conclusive evidence that the sum or sums mentioned in such application is due and payable to the Commission, on the date or dates as therein shown.

Appeal to
Municipal
Board.

11. Any municipality not satisfied with the apportionment of the moneys required by the Commission as referred to in the application of the Commission referred to in section 8 of this Act, may within thirty days after the receipt of the application, appeal therefrom to the Municipal Board by a notice of such appeal served upon the Commission and in that event the question of such proportions shall stand referred to and be decided by the Municipal Board.

- (a) The proceedings on such appeal or on such reference to the Municipal Board shall be in accordance with the rules and practice of the Board.
- (b) The Municipal Board shall decide upon and determine the said proportions and the decision of the Municipal Board shall be final.

Commence-
ment of Act.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 9. Provides for the payment over by the municipalities to the Commission of such sums of money as may be necessary from time to time to carry on the work.

Section 10. Provides for enforcing the payment of the municipalities' apportionment of the cost of the work.

Section 11. This gives the right of appeal to the Municipal Board by a dissatisfied municipality.

BILL

An Act to establish the Grand River
Conservation Commission.

1st Reading

March 4th, 1932

2nd Reading

3rd Reading

MR. FINLAYSON.

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to establish the Grand River Conservation Commission.

MR. FINLAYSON

No. 96

1932

BILL

An Act to establish the Grand River Conservation Commission.

Preamble

WHEREAS the Grand River and its tributaries the Nith, Speed and Conestoga Rivers, and the creeks and streams flowing thereinto drain an area of approximately twenty-six hundred square miles in the counties of Grey, Dufferin, Wellington, Perth, Waterloo, Halton, Oxford, Brant, Wentworth, Norfolk and Haldimand, in the Province of Ontario; and whereas the people of the municipalities and the municipalities throughout the valley of the Grand River have been subjected to great financial loss, property damage, distress and inconvenience through the frequently occurring floods of the Grand River and its tributaries during the Spring freshets, and through the inadequate supply of water for municipal, domestic and manufacturing purposes during seasons of drought; and whereas the seasonal floods and water shortages are caused by the state of excessive deforestation, the lack of proper water storage facilities and the efficient land drainage system existing in the area which have contributed to effect an excessively fast run-off of surface waters into the rivers and streams of the area during periods of rainfall and during the Spring freshets; and whereas it is deemed expedient that legislation be enacted which will provide the authority for the creation of a commission to investigate and report on and to carry out the necessary works whereby the waters of the Grand River and its tributaries may be controlled in times of flood, and conserved to more effectively afford a sufficient supply of water for municipal, domestic and manufacturing purposes throughout the said drainage basin during periods of water shortage;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Grand River Conservation Commission Act, 1932.*

2. In this Act, except in so far as the provisions of this section would give to any word or words, expression or clause, ^{Interpre-}an interpretation inconsistent with the context,—

- (a) "Municipality" shall mean any of the Counties of ^{"Municipality"} Grey, Dufferin, Wellington, Perth, Waterloo, Halton, Oxford, Brant, Wentworth, Norfolk and Haldimand, or any incorporated city, town, village or township in any of the said counties;
- (b) "Municipal Board" shall mean the Ontario Municipal ^{"Municipal Board"} Board;
- (c) "Commission" shall mean the Grand River Con- ^{"Com-}servation Commission. ^{mission."}

3. Any municipality may, by by-law, appoint a person ^{Commis-}hereinafter referred to as a "commissioner" for the purposes ^{sioner,—}hereinafter provided and such commissioner shall be author- ^{appoint-}ized by such by-law to do all things necessary to effectively ^{ment of} carry out the provisions of this Act.

4.—(1) Five or more commissioners appointed as aforesaid ^{Petition for} may petition the Lieutenant-Governor for the grant of a ^{charter.} charter constituting such petitioners and such other commissioners who may thereafter become members, a corporation without share capital for the purposes for which the authority of this Act extends.

(2) The petition shall show,—

^{Particulars}
^{to be shown}
^{in petition.}

- (a) that the petitioners desire to be incorporated under the name "Grand River Conservation Commission";
- (b) that the object for which the Commission is being incorporated is to fully carry out the provisions of this Act;
- (c) the place within Ontario where the head office of the Commission is to be situate, the name in full, the place of residence and the calling of each of the petitioners and the municipality by which each petitioner is appointed;
- (d) that each of the petitioners has been appointed by the by-law of a municipality and is authorized by such municipality to act as a commissioner under the provisions of this Act.

Objects of
Com-
mission.

5. The objects for which the said Commission shall be incorporated are as follows,—

- (a) to make a geographic and hydrographic survey of the drainage basin of the Grand River and its tributaries;
- (b) to employ engineers, surveyors, foresters, clerks, workmen and other necessary persons to more effectively examine and survey the drainage basin of the Grand River and its tributaries;
- (c) to spend such moneys as may be necessary in the payment of salaries and for materials and supplies in order to carry out the purposes of the Commission;
- (d) to report to the Lieutenant-Governor in Council the findings and recommendations of the Commission relative to the control, improvement and conservation of the Grand River and its tributaries;
- (e) to carry out such works, constructions and improvements and to spend such moneys as may be authorized by the Lieutenant-Governor in Council;
- (f) to do all things necessary in furtherance of the above.

Appointment
of additional
Commis-
sioners.

6. Other municipalities may by by-law appoint commissioners to become members of the incorporated Commission upon application to the Commission and upon payment of such fees and of such proportion of the cost of the work of the Commission to date of such application as the Municipal Board may direct.

Consent
of municip-
ality
to work
undertaken
therein.

7. No work shall be undertaken within the limits of any municipality and no proportion of the cost of any work undertaken under the provisions of this Act shall be chargeable against any municipality without the consent of such municipality; and such consent shall be evidenced by the filing with the Commission of a certified copy of the by-law authorizing such work and authorizing the payment of a proportion of the cost thereof.

Cost of
work,—
how borne.

8. All moneys required for the general purposes of the Commission and all moneys required to pay the cost of the works authorized by and undertaken under the authority of this Act shall be provided by the municipalities in such proportions as may be ascertained and determined by the Commission.

9. The moneys required by the Commission shall be provided and paid over to the Commission from time to time on the application of the Commission. The application may state the total sum required at the time of making such application and the portion thereof required from and payable by each of the said municipalities, and the date or dates upon which each of the said municipalities shall pay the required amount or amounts to the Commission and the said application shall be delivered to the municipalities at least two months before the end of the fiscal year of the municipality.

- (a) The application shall be in writing and sealed with the seal of the Commission and signed by the chairman and secretary. A duplicate original shall be delivered to the clerk of each of the municipalities, at least four calendar months before the date of the first payment required under the application.

10. The sum stated in any such application as payable by any of the said municipalities, when due and payable by such municipality to the Commission, may be recovered by the Commission from such municipality by suit in any court of competent jurisdiction.

- (a) The application as made or as amended by the Municipal Board on appeal shall be conclusive evidence that the sum or sums mentioned in such application is due and payable to the Commission, on the date or dates as therein shown.

11. A municipal corporation which is dissatisfied with the apportionment of the cost of the works of the Commission made under section 8 may within thirty days after receipt of the application referred to in section 9, appeal from such apportionment to the Municipal Board by notice served upon the Commission, and upon the service of such notice the question of such apportionment shall stand referred to and be decided by the Municipal Board.

- (a) The proceedings on such appeal or on such reference to the Municipal Board shall be in accordance with the rules and practice of the Board.
- (b) The Municipal Board shall decide upon and determine the said apportionment and the decision of the Municipal Board shall be final.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to establish the Grand River
Conservation Commission.

1st Reading

March 4th, 1932

2nd Reading

March 9th, 1932

3rd Reading

March 22nd, 1932

MR. FINLAYSON.

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Highway Traffic Act.

MR. MACAULAY

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 97

1932

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Highway Traffic Act, 1932*.

Rev. Stat.,
c. 251, s. 8,
subs. 1,
amended. **2.** Subsection 1 of section 8 of *The Highway Traffic Act* is amended by adding at the end thereof the following words:

“and provided the province of residence grants similar exemptions and privileges with respect to motor vehicles registered under the laws of and owned by residents of Ontario.”

Rev. Stat.,
c. 251, s. 9,
amended. **3.** Section 9 of *The Highway Traffic Act* as amended by section 4 of *The Highway Traffic Amendment Act, 1931*, is further amended by adding thereto the following subsections:

Driving
lights. (1a) Lamps on the front of a motor vehicle shall be so constructed, located, arranged and adjusted that when lighted as required by subsection 1 they produce under normal atmospheric conditions and on a level road a driving light sufficient to render clearly discernible to the operator of the motor vehicle any person or vehicle on the highway within a distance of two hundred feet ahead of such motor vehicle.

Lighted
streets. (1b) The provisions of subsection 1a shall not apply to a motor vehicle on a highway which is so lighted by the means of any system of street or highway lighting that under the conditions mentioned in said subsection any person or vehicle within a distance of two hundred feet ahead of such motor vehicle is clearly discernible to the operator thereof.

Rev. Stat.,
c. 251, s. 15,
subs. 2,
(1929,
c. 68, s. 3,
subs. 1),
amended. **4.** Subsection 2 of section 15 of *The Highway Traffic Act* as enacted by subsection 1 of section 3 of *The Highway Traffic*

EXPLANATORY NOTES

Section 2. The purpose of the amendment is to limit the exemption from registration of motor vehicles owned by residents to such of the other provinces as grant reciprocal privileges to residents of this Province.

Section 3. The addition of subsection 1*a* will ensure that adequate driving lights are used by motor vehicle operators and thereby decrease the chances of accidents to pedestrians and other vehicles at night-time. Subsection 1*b* will dispense with powerful driving lights on well-lighted streets.

Section 4. The object of this amendment is to reduce the length of trucks and trailers which are coupled together from 65 feet to 50 feet.

Amendment Act, 1929, is amended by striking out the figures "65" in the last line and inserting in lieu thereof the figures "50."

Rev. Stat.,
c. 251, s. 35,
amended.

5. Section 35 of *The Highway Traffic Act* as amended by section 8 of *The Highway Traffic Amendment Act, 1930 (No. 2)* and by section 10 of *The Highway Traffic Amendment Act, 1931*, is further amended by adding thereto the following subsection:

Headway
for commercial
vehicles.

(10a) The driver or operator of a commercial motor vehicle when driving upon a highway outside of a city, town or village shall not follow within 100 feet of another commercial motor vehicle; but this shall not be construed to prevent one commercial motor vehicle overtaking and passing another such vehicle.

Rev. Stat.,
c. 251, s. 77,
cls. a, b
(1930,
c. 47, s. 6),
repealed.

6. Clauses *a* and *b* of section 77 of *The Highway Traffic Act* as enacted by *The Highway Traffic Amendment Act, 1930* are repealed and the following substituted therefor:

(a) at least \$5,000 (exclusive of interest and costs) for bodily injury to or the death of any one person and, subject to such limit for any one person so injured or killed, at least \$10,000 (exclusive of interest and costs) for bodily injury to or death of two or more persons in any one accident; and

(b) at least \$1,000 (exclusive of interest and costs) for damage to property, except property carried in or upon the motor vehicle, resulting from any one accident.

Rev. Stat.,
c. 251, s. 78,
subs. 1, cl. a
(1930,
c. 47, s. 6),
amended.

7. The second paragraph of clause *a* of subsection 1 of section 78 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by striking out the words, "Any such certificate or certificates shall cover all motor vehicles then registered in the name of the person furnishing such proof. An additional certificate shall be required as a condition precedent to the registration of any additional motor vehicle in the name of such person," in the first six lines and inserting in lieu thereof the words, "Any such certificate or certificates shall be in the form approved by the Registrar and shall cover all motor vehicles registered in the name of the person furnishing such proof."

Rev. Stat.,
c. 251, s. 80,
(1930,
c. 47, s. 6),
amended.

8. Section 80 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by striking out the word "was" in the sixth line and inserting in lieu thereof the word "is," and by striking out

Section 5. This amendment will make for greater safety on highways by prohibiting trucks from travelling so closely together as almost to be in train.

Section 6. This amendment is necessary to conform with the provisions of section 183*e* of Bill (No. 78), *The Automobile Insurance Act, 1932*, now before the Legislative Assembly.

Section 7. The amendment is to enable the Registrar of Motor Vehicles to adopt standard practice as to certificates filed under the section.

Section 8. The amendment is to clarify the section as to chauffeurs, etc., and their proofs of financial responsibility.

the words "either at the time of the offence or subsequent thereto" in the eighth and ninth lines.

Rev. Stat.,
c. 251, s. 87,
(1930,
c. 47, s. 6),
repealed.

9. Section 87 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, and amended by section 22 of *The Highway Traffic Amendment Act, 1931* is repealed and the following substituted therefor:

Form of
policy.
Rev. Stat.,
c. 222.

87.—(1) A motor vehicle liability policy referred to in this Part shall be in the form prescribed by *The Insurance Act* for an owner's policy or a driver's policy, as the case may be, and approved thereunder by the Superintendent of Insurance for the purposes of this Part.

Filing of
certificate.

(2) Any insurer which has issued a motor vehicle liability policy shall, as and when the insured may request, deliver to him for filing, or file direct with the Registrar, a certificate for the purposes of this Part.

Certificate
conclusive.

(3) A certificate filed with the Registrar for the purposes of this Part shall be deemed to be a conclusive admission by the insurer that a policy has been issued in the form prescribed by subsection 1 and in accordance with the terms of the certificate.

Notice of
cancellation
of insurance.

(4) Every insurer shall notify the Registrar of the cancellation or expiry of any motor vehicle liability policy, for which a certificate has been issued to the Registrar under this Part, at least ten days before the effective date of such cancellation or expiry, and, in the absence of such notice of cancellation or expiry, such policy shall remain in full force and effect.

Notice of
accidents
involving
non-
residents.

(5) Where a person, who is not a resident of Ontario, is a party to an action for damages arising out of a motor vehicle accident in Ontario for which indemnity is provided by a motor vehicle liability policy, the insurer named in the policy shall, as soon as it has knowledge of the action from any source, and whether or not liability under such policy is admitted, notify the Registrar in writing, specifying the date and place of the accident and the names and addresses of the parties to the action and of the insurer, which notification shall be open to inspection by parties to the action.

Refusal of
certificates.

(6) Notwithstanding anything in this Part contained, the Registrar may decline to accept as proof of financial responsibility the certificates of any insurer which fails to comply with the provisions of subsection 5.

Section 9. Section 87, dealing with proof of financial responsibility by means of insurance coverage, is revised to conform with the provisions of Bill (No. 78), *The Automobile Insurance Act, 1932*.

Commence-
ment of Act. **10.** This Act, other than sections 6 and 9 shall come into force on the day upon which it receives the Royal Assent. Sections 6 and 9 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

BILL

An Act to amend The Highway Traffic Act.

1st Reading

March 8th, 1932

2nd Reading

3rd Reading

MR. MACAULAY

No. 97

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Highway Traffic Act.

MR. MACAULAY

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Highway Traffic Act, 1932*.

Rev. Stat.,
c. 251, s. 8,
subs. 1,
amended. **2.** Subsection 1 of section 8 of *The Highway Traffic Act* is amended by adding at the end thereof the following words:

“and provided the province of residence grants similar exemptions and privileges with respect to motor vehicles registered under the laws of and owned by residents of Ontario.”

Rev. Stat.,
c. 251, s. 9,
amended. **3.** Section 9 of *The Highway Traffic Act* as amended by section 2 of *The Highway Traffic Amendment Act, 1928*, section 2 of *The Highway Traffic Amendment Act, 1930 (No. 2)*, and section 4 of *The Highway Traffic Amendment Act, 1931*, is further amended by adding thereto the following subsections:

Driving
lights. (1a) Lamps on the front of a motor vehicle shall be so constructed, located, arranged and adjusted that when lighted as required by subsection 1 they produce under normal atmospheric conditions and on a level road a driving light sufficient to render clearly discernible to the operator of the motor vehicle any person or vehicle on the highway within a distance of two hundred feet ahead of such motor vehicle.

Lighted
streets. (1b) The provisions of subsection 1a shall not apply to a motor vehicle on a highway which is so lighted by the means of any system of street or highway lighting that under the conditions mentioned in said subsection any person or vehicle within a distance of two hundred feet ahead of such motor vehicle is clearly discernible to the operator thereof.

Rev. Stat.,
c. 251, s. 15,
subs. 2,
(1929,
c. 68, s. 3,
subs. 1),
amended. **4.** Subsection 2 of section 15 of *The Highway Traffic Act* as enacted by subsection 1 of section 3 of *The Highway Traffic*

Amendment Act, 1929, is amended by striking out the figures "65" in the last line and inserting in lieu thereof the figures "50."

5. Section 35 of *The Highway Traffic Act* as amended by section 8 of *The Highway Traffic Amendment Act, 1930* (No. 2) and by section 10 of *The Highway Traffic Amendment Act, 1931*, is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 251, s. 35,
amended.

(10a) The driver or operator of a commercial motor vehicle when driving upon a highway outside of a city, town or village shall not follow within 100 feet of another commercial motor vehicle; but this shall not be construed to prevent one commercial motor vehicle overtaking and passing another such vehicle.

Headway
for commercial
vehicles.

6. Clauses *a* and *b* of section 77 of *The Highway Traffic Act* as enacted by *The Highway Traffic Amendment Act, 1930* are repealed and the following substituted therefor:

Rev. Stat.,
c. 251, s. 77,
cls. *a, b*
(1930,
c. 47, s. 6),
repealed.

(a) at least \$5,000 (exclusive of interest and costs) for bodily injury to or the death of any one person and, subject to such limit for any one person so injured or killed, at least \$10,000 (exclusive of interest and costs) for bodily injury to or death of two or more persons in any one accident; and

(b) at least \$1,000 (exclusive of interest and costs) for damage to property, except property carried in or upon the motor vehicle, resulting from any one accident.

7. The second paragraph of clause *a* of subsection 1 of section 78 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by striking out the words, "Any such certificate or certificates shall cover all motor vehicles then registered in the name of the person furnishing such proof. An additional certificate shall be required as a condition precedent to the registration of any additional motor vehicle in the name of such person," in the first six lines and inserting in lieu thereof the words, "Any such certificate or certificates shall be in the form approved by the Registrar and shall cover all motor vehicles registered in the name of the person furnishing such proof."

Rev. Stat.,
c. 251, s. 78,
subs. 1, cl. *a*
(1930,
c. 47, s. 6),
amended.

8. Section 80 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by striking out the word "was" in the sixth line and inserting in lieu thereof the word "is," and by striking out the words "either at the time of the offence or subsequent thereto" in the eighth and ninth lines.

Rev. Stat.,
c. 251, s. 80,
(1930,
c. 47, s. 6),
amended.

Rev. Stat.,
c. 251, s. 87,
(1930,
c. 47, s. 6),
repealed.

9. Section 87 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, and amended by section 22 of *The Highway Traffic Amendment Act, 1931*, is repealed and the following substituted therefor:

Form of
policy.
Rev. Stat.,
c. 222.

87.—(1) A motor vehicle liability policy referred to in this Part shall be in the form prescribed by *The Insurance Act* for an owner's policy or a driver's policy, as the case may be, and approved thereunder by the Superintendent of Insurance for the purposes of this Part.

Filing of
certificate.

(2) Any insurer which has issued a motor vehicle liability policy shall, as and when the insured may request, deliver to him for filing, or file direct with the Registrar, a certificate for the purposes of this Part.

Certificate
conclusive.

(3) A certificate filed with the Registrar for the purposes of this Part shall be deemed to be a conclusive admission by the insurer that a policy has been issued in the form prescribed by subsection 1 and in accordance with the terms of the certificate.

Notice of
cancellation
of insurance.

(4) Every insurer shall notify the Registrar of the cancellation or expiry of any motor vehicle liability policy, for which a certificate has been issued to the Registrar under this Part, at least ten days before the effective date of such cancellation or expiry, and, in the absence of such notice of cancellation or expiry, such policy shall remain in full force and effect.

Notice of
accidents
involving
non-
residents.

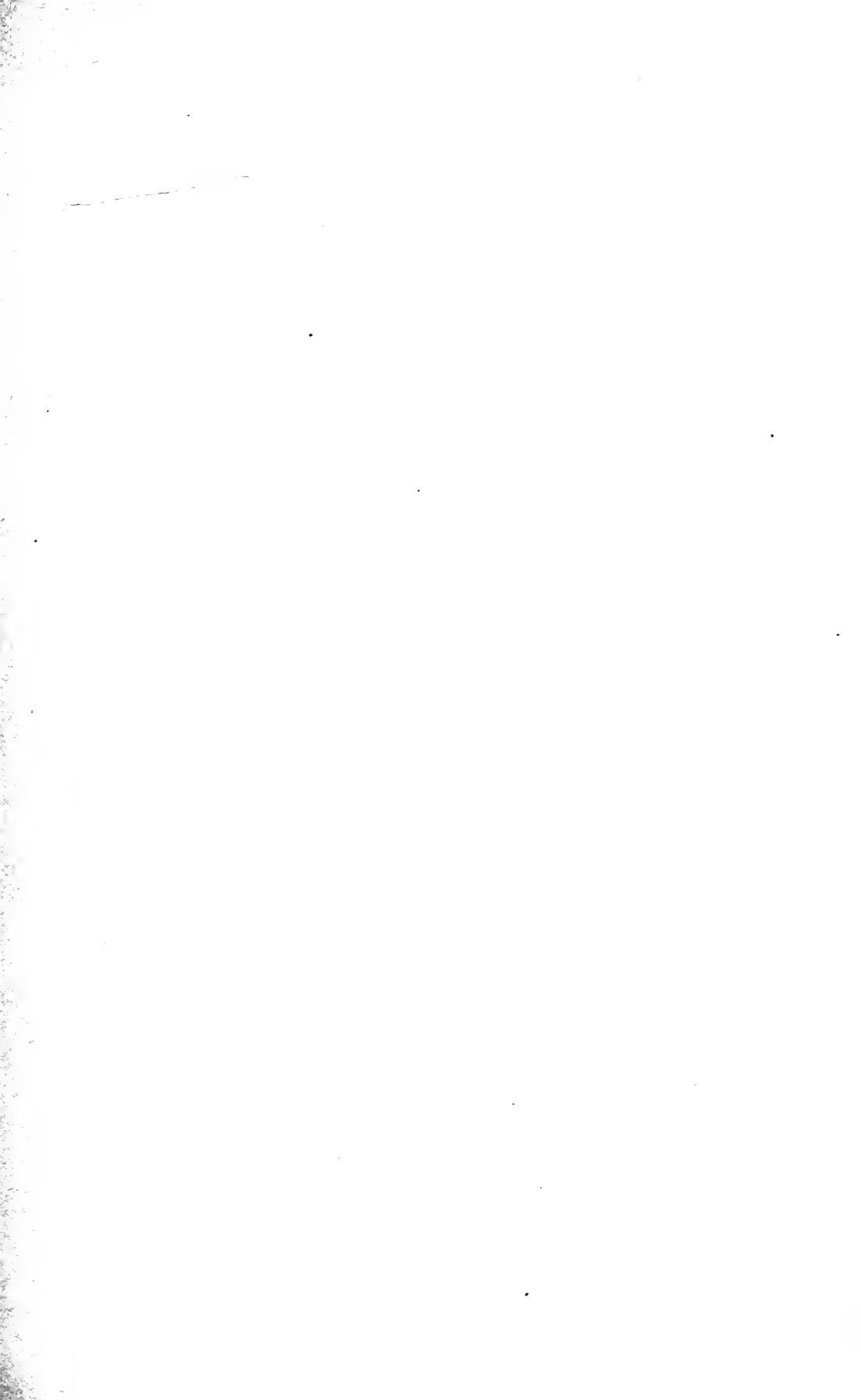
(5) Where a person, who is not a resident of Ontario, is a party to an action for damages arising out of a motor vehicle accident in Ontario for which indemnity is provided by a motor vehicle liability policy, the insurer named in the policy shall, as soon as it has knowledge of the action from any source, and whether or not liability under such policy is admitted, notify the Registrar in writing, specifying the date and place of the accident and the names and addresses of the parties to the action and of the insurer, which notification shall be open to inspection by parties to the action.

Refusal of
certificates.

(6) Notwithstanding anything in this Part contained, the Registrar may decline to accept as proof of financial responsibility the certificates of any insurer which fails to comply with the provisions of subsection 5.

Commence-
ment of Act.

10. This Act, other than sections 6 and 9, shall come into force on the day upon which it receives the Royal Assent. Sections 6 and 9 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.



BILL

An Act to amend The Highway Traffic Act.

1st Reading

March 8th, 1932

2nd Reading

March 10th, 1932

3rd Reading

March 18th, 1932

MR. MACAULAY

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to regulate Barber Shops in the Province of Ontario.

MR. MCBRIEN

BILL

An Act to regulate Barber Shops in the Province of Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Barbers' Regulation Act, 1932.*

Interpretation.

2. In this Act,—

"Barber."

(a) "Barber" shall mean a person who as a business or trade and for himself or for another person, shaves, cuts hair, shampoos, gives facial or scalp massage or does other work pertaining to the barber trade;

"Board."

(b) "Board" shall mean the Board of Examiners appointed under this Act;

"Minister."

(c) "Minister" shall mean the member of the Executive Council for the time being charged with the administration of this Act;

"Regulations."

(d) "Regulations" shall mean regulations made under this Act.

Board of Examiners, constitution and powers.

3.—(1) The Lieutenant-Governor in Council shall appoint a Board of Examiners which shall be composed of three persons, all practical master and journeyman barbers, to issue licenses to such applicants who satisfy the board that they are suitable persons to be licensed as barbers.

Term of office.

(2) The first members of the board shall serve for the following periods: the first appointee, one year; the second appointee, two years; and the third appointee, three years. All subsequent members of the board shall hold office for three years and be appointed one each year by the Lieutenant-Governor in Council.

EXPLANATORY NOTES

The principal purpose of this Bill is to create a Board of Examiners who will have control over the occupation of barbers in such manner that only such persons as are licensed by the Board will be able to engage either as masters or journeymen in the trade.

Section 3. The Board of Examiners is to be appointed by Order-in-Council and to be composed of three barbers, and after the first appointment to hold office for three years.

Vacancies in the Board are to be filled by Order-in-Council.

Appoint-
ment in
case of
resignation
or death.

(3) In the event of the resignation or death of any member of the board, the Lieutenant-Governor in Council may appoint a successor for the unexpired time.

Quorum.

4. Any two members of the board shall form a quorum.

Secretary.

5. The board shall appoint one of its members to be chairman and another member to be secretary of the board.

Register.

6. The secretary of the board shall keep a register in which shall be entered the name of every person to whom a license is granted under this Act, the date at which the same is granted and also his place of residence at time of application for license.

Regulations.

7. The board with the approval of the Lieutenant-Governor in Council may from time to time make regulations,—

- (a) for the granting of licenses to applicants under this Act, and the evidence to be furnished as to their sobriety, good character and freedom from communicable disease, and their training and experience;
- (b) determining the duration of such licenses and the method of renewal for same;
- (c) fixing the fees to be paid by applicants for any license or renewal thereof;
- (d) prescribing the cause for which any license may be revoked, cancelled or suspended;
- (e) fixing the fees or other remuneration and expenses to be paid to the members and staff or employees of the board.

Applicant,
rules as to.

8. Every person who is a barber at the time of the passing of this Act, and who applies to the board for a license on or before the 1st day of July, 1932, shall upon furnishing such evidence as to sobriety, good character, freedom from communicable disease and experience as the board may require, and upon payment of the prescribed fee, be entitled to receive a license from the board.

(2) Any other person who desires to carry on the business or trade of or be employed as a barber shall make application for a license in accordance with the regulations.

Appeal from
decision of
the board.

9.—(1) The board by the unanimous vote of all the members may, upon such evidence and after such hearing as the regulations may prescribe, suspend or revoke any license.

Section 6. The register referred to in this section will contain the record of all licensed barbers in the Province.

Section 7. It is necessary that the Board have power to make regulations so as to enable it to exercise its jurisdiction in a proper manner.

All regulations must be approved by Order-in-Council.

Section 8. Provision is made in this section so that every person who is now a master or journeyman barber may obtain a license under the Act on filing proof as to his character and freedom from disease, etc.

In future all other persons who desire to become barbers must obtain a license from the Board.

Section 9. This section gives the Board disciplinary powers over barbers and in proper cases their licenses may be suspended or revoked. An appeal can be taken to the Minister from any decision of the Board.

Provision is also made for dealing with licenses of barbers who offend against the health regulations, and the Minister as final arbiter is also given power to suspend or revoke a license.

Appeal to
Minister

(2) Any person aggrieved by the decision of the board may appeal therefrom to the Minister after such notice as the Minister may prescribe, and the decision of the Minister shall be final.

Supervision
or revocation
of license by
board.

(3) The board shall forthwith suspend or revoke any license which the Department of Health has directed to be suspended or revoked under the regulations made under section 13.

By Minister.

(4) The Minister may at any time suspend or revoke a license.

Report to
Minister.

10. The board shall on or before the 15th day of January in every year, make to the Minister a report in writing for the year ending on the 31st day of December of the previous year showing,—

- (a) the number of licenses granted by them during the preceding year and the persons to whom granted;
- (b) the number of applications refused during the preceding year, and the cause for refusing same;
- (c) the number of licenses revoked, cancelled or suspended during the preceding year, and the cause for refusal of same;
- (d) the revenues and the expenditures of the board;
- (e) such other matters as may be directed by the Minister, or by the Lieutenant-Governor in Council.

Audits of
receipts and
expendi-
tures.

11. The receipts and expenditures of the board shall be audited by a chartered accountant, and the fees, salary, or other remuneration and expenses paid to the members of the board shall be paid out of its revenues.

Certificates
to be
exposed
to view.

12. A license held by any person under this Act shall at all times be exposed to view in the place of business of such person, or in the place of business in which he is employed, and failure to keep such license so displayed shall be *prima facie* evidence that such person is not licensed under this Act.

Regulations
of
Department
of Health.

13. The Department of Health, subject to the approval of the Lieutenant-Governor in Council, may make regulations:

- (a) prescribing the sanitary precautions to be used by barbers;

Section 10. This section provides for the submission of an annual report by the Board so that a public record is obtained of the Board's transactions.

Section 12. This section is for the protection of the public by requiring that barbers' licenses must be exhibited in their shops.

Section 13. Provision is made for the Department of Health issuing regulations dealing with matters of sanitation in barber shops.

- (b) prescribing the method of sterilizing or cleaning any articles kept or used in a barber shop or in the occupation of a barber;
- (c) prescribing the conditions in which barbers shall keep their persons and clothing while engaged in their occupation;
- (d) regulating or prohibiting the treatment by barbers of dead bodies or of persons who are suffering from any communicable disease;
- (e) prescribing the penalties incurred for violation of any regulations made under this section and for the suspension or revocation of the license of any barber found guilty of such violation.

Enforcement
of
regulations.

14.—(1) The regulations made under section 13 shall in each municipality be enforced by the local board of health and medical officer of health.

(2) A copy of the regulations made under section 13 shall be delivered or transmitted by the board to every licensed barber who shall display such copy in a prominent place in the shop in which he carries on his business.

(3) This Act and the regulations passed thereunder shall not apply to any municipality having a population of less than one thousand.

Persons
prohibited.

15.—(1) No barber who has any form of tuberculosis, or venereal disease or any contagious or infectious disease shall carry on his business and no license or renewal thereof shall be granted to any such barber.

(2) Every person who knowingly contravenes the provisions of subsection 1 shall incur a penalty not exceeding \$50.

Inspection.

16. Any member of the board, officer of the Department of Health, medical officer of health, inspector of a local board of health, and other person appointed with the approval of the Department of Health by the board may enter the place of business of any barber and make such inspection thereof as may be necessary to determine whether the provisions of this Act and the regulations are being complied with.

Penalty for
interfering.

17. Any person who interferes with or obstructs a member of the board, or other officer, inspector or person mentioned in section 16 in the exercise of the powers conferred on him

Section 14. This section will enable the local health authorities to enforce the regulations in the same manner as other health regulations.

Section 15. Is for public protection.

Section 16. Provides the necessary authority for inspection of barber shops.

Sections 17, 18 and 19. Make adequate but reasonable provision for penalties.

by this Act shall be guilty of an offence and shall incur a penalty not exceeding \$200.

Penalties.

18. After the 1st day of September, 1932, every person who, not being the holder of a license issued by the board, or a renewal thereof, carries on business or is employed as a barber, or who uses any signs, letters or any other means of advertising himself as a barber or who during the time his license is suspended or after the same has been revoked under the provisions of this Act carries on business or is employed as a barber, shall incur a penalty not exceeding \$25 for each and every offence.

Penalties,—
how recover-
able. Rev.
Stat., c. 121.

19. The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Suspension
or revocation
of license.
Rev. Stat.
c. 120.

20. *The Public Authorities Protection Act* shall apply to the members and officers of the Board.

Rev. Stat.
c. 262, s. 87a.
(1930, c. 52,
s. 3) repealed

21. Section 87a of *The Public Health Act* as enacted by section 3 of *The Public Health Act, 1930*, and amended by section 8 of *The Public Health Act, 1931*, is repealed.

Date of
commence-
ment.

22. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 20. The members and officers of the Board having a duty cast upon them to exercise their authority for the protection of the public are given the same protection as other public officials.

Section 21. With the enactment of this Act it is no longer necessary that local by-laws be passed to regulate sanitary matters in barber shops.

BILL

An Act to regulate Barber Shops in the
Province of Ontario.

1st Reading

March 8th, 1932

2nd Reading

3rd Reading

MR. MCBRIEN

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Liquor Control Act.

MR. PRICE

No. 99

1932

BILL

An Act to amend The Liquor Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Liquor Control Act, 1932*:

Rev. Stat.,
c. 257, s. 1,
cl. *k*,
repealed. **2.**—(1) Clause *k* of section 1 of *The Liquor Control Act* is repealed and the following substituted therefor:

“Native
wine.”

(*k*) “Native wine” shall mean wine manufactured from grapes or cherries grown in Ontario and shall include native wine to which has been added water, honey or sugar and shall also include native wine fortified with the distillate of grapes grown in Ontario.

Rev. Stat.,
c. 257, s. 1,
cl. *u*,
amended.

(2) Clause *u* of the said section 1 is amended by striking out the words “alcoholic beverage” in the first and second lines and inserting in lieu thereof the word “liquor,” so that the clause shall now read as follows:

“Wine.”

(*u*) “Wine” shall mean and include any liquor obtained by the fermentation of the natural sugar contents of fruits, including grapes, apples, or other agricultural products containing sugar, including honey or milk.

Rev. Stat.,
c. 257, s. 43,
subs. 5,
repealed.

3. Subsection 5 of section 43 of *The Liquor Control Act* is repealed and the following substituted therefor:

Notifying
vendors,
etc., of
cancellation
of permit.

(5) Where the permit has been cancelled the Board shall notify all vendors and such other persons as may be provided by the regulations, of the cancellation of the permit and the issue of a new permit to the person whose permit has been cancelled shall be in the discretion of the Board.

Rev. Stat.,
c. 257, s. 45,
subs. 1, cl. *c*,
subs. 2,—
numbering
altered.

4.—(1) Clause *c* in subsection 1 of section 45 of *The Liquor Control Act* is made subsection 2 of the said section and

EXPLANATORY NOTES

Section 2.—(1) The present definition of "native wine" is enlarged to permit the dilution of native wine by the addition of water, honey or sugar and to conform with the Dominion Government regulations of 1931 which provide for the fortification of native wine by grape spirits obtained from Ontario-grown grapes.

(2) This amendment is made to accord with the principle of the Act that only intoxicating wines are covered. Hitherto the definition has included wines with any alcoholic content even though not intoxicating.

Section 3. Under the present law conviction for even a minor or trivial offence brings about automatic cancellation of a permit for twelve months as a minimum. This in many instances works an injustice and the amendment will permit the Board in its discretion to issue a new permit at any time if the circumstances so warrant.

Section 4. Originally the Act contemplated that all beer would be sold by the Board, but the system was not instituted and the present system of sales by the breweries through brewers' warehouses direct to the permit holder under the supervision of the Board's inspector was instituted. Amendments to the Act to fully cover the practice were never made and the present amendments are necessary for the purpose.

subsection 2 of the said section 45 is made subsection 3 of the said section.

Rev. Stat.,
c. 257, s. 45,
subs. 1,
amended.

(2) Subsection 1 of the said section 45 is amended by adding thereto the following clause:

Brewers'
license.

(c) To keep for sale and sell beer to the holder of a subsisting permit under the supervision and approval of the Board and in accordance with this Act and the regulations.

Rev. Stat.,
c. 257, s. 122,
amended.

5. Section 122 of *The Liquor Control Act* is amended by inserting after the word "county" in the sixth line the words "or district" so that the section shall now read as follows:

Information.

122. All information or complaints for the prosecution of any offence against any of the provisions of this Act, shall be laid or made in writing, within three months after the commission of the offence or after the cause of action arose and not afterwards, before any justice of the peace for the county or district in which the offence is alleged to have been committed, and may be made without any oath or affirmation to the truth thereof, and the same may be according to form provided in the regulations or to the like effect.

Rev. Stat.,
c. 257, s. 139,
subs. 1,
amended.

6.—(1) Subsection 1 of section 139 of *The Liquor Control Act* is amended by striking out the words "a divisional court of the Appellate Division of the Supreme Court of Ontario upon any question touching the validity or invalidity of any Act of this Legislature or of any part thereof, or" in the fourth, fifth, sixth and seventh lines and the word "other" in the ninth line so that the subsection shall now read as follows:

Appeal to
Court of
Appeal.

(1) At any time within fifteen days from the date of the judgment or order of any judge of a county or district court arising out of or under section 138 of this Act, the Attorney-General may direct an appeal to the Court of Appeal for Ontario from the judgment or order of a judge of the county or district court in any case arising out of or under the said section in which the Attorney-General of Ontario certifies that he is of opinion that the matters in dispute are of sufficient importance to justify an appeal.

Rev. Stat.,
c. 257, s. 139,
subs. 2, cl. b
(1929,
c. 69, s. 14),
repealed.

(2) Clause *b* of subsection 2 of the said section 139 as enacted by section 14 of *The Liquor Control Act, 1929*, is repealed and the following substituted therefor:

Section 5. The amendment is to overcome a loophole in section 122, which omitted justices of the peace in the districts.

Section 6. This amendment is merely to conform with the new title given to the Court of Appeal by *The Judicature Act, 1931*, and to eliminate the very ambiguous and unnecessary reference to constitutional questions now mentioned in subsection 1. The Court of Appeal has jurisdiction to determine any questions of constitutional law without it being mentioned in this Act.

Practice on
appeals.

- (b) Except so far as otherwise provided by this Act the Consolidated Rules of Practice and Procedure of the Supreme Court relating to appeals to the Court of Appeal for Ontario shall apply to appeals under this section.

Rev. Stat.,
c. 257, s. 139,
subs. 4,
amended.

- (3) Subsection 4 of the said section 139 is amended by striking out the words "Divisional Court" in the first line and inserting in lieu thereof the words "Court of Appeal for Ontario," so that the subsection shall now read as follows:

Hearing
and deter-
mination of
appeal.

- (4) The Court of Appeal for Ontario shall thereupon hear and determine the appeal and shall make such order for carrying into effect the judgment of the court as the court shall think fit.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Liquor Control Act.

1st Reading

March 9th, 1932

2nd Reading

3rd Reading

MR. PRICE

No. 99

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Liquor Control Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 99

1932

BILL

An Act to amend The Liquor Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Liquor Control Act, 1932*.

Rev. Stat.,
c. 257, s. 1,
cl. *k*,
repealed. **2.**—(1) Clause *k* of section 1 of *The Liquor Control Act* is repealed and the following substituted therefor:

“Native
wine.” (*k*) “Native wine” shall mean wine manufactured from grapes or cherries grown in Ontario and shall include native wine to which has been added water, honey or sugar and shall also include native wine fortified with the distillate of grapes grown in Ontario.

Rev. Stat.,
c. 257, s. 1,
cl. *u*,
amended. (2) Clause *u* of the said section 1 is repealed and the following substituted therefor:

“Wine.” (*u*) “Wine” shall mean and include any liquor obtained by the fermentation of the natural sugar contents of fruits, including grapes, apples, or other agricultural products containing sugar, and including honey or milk.

Rev. Stat.,
c. 257, s. 43,
subs. 5,
repealed. **3.** Subsection 5 of section 43 of *The Liquor Control Act* is repealed and the following substituted therefor:

Notifying
vendors,
etc., of
cancellation
of permit. (5) Where the permit has been cancelled the Board shall notify all vendors and such other persons as may be provided by the regulations, of the cancellation of the permit and the issue of a new permit to the person whose permit has been cancelled shall be in the discretion of the Board.

Rev. Stat.,
c. 257, s. 45,
subs. 1, cl. *c*,
subs. 2,
numbering
altered. **4.**—(1) Clause *c* in subsection 1 of section 45 of *The Liquor Control Act* is made subsection 2 of the said section and subsection 2 of the said section 45 is made subsection 3 of the said section.

(2) Subsection 1 of the said section 45 is amended by adding thereto the following clause: Rev. Stat.,
c. 257, s. 45,
subs. 1,
amended.

(c) To keep for sale and sell beer to the holder of a subsisting permit under the supervision and approval of the Board and in accordance with this Act and the regulations. Brewers'
license.

5. Section 122 of *The Liquor Control Act* is amended by inserting after the word "county" in the sixth line the words "or district" so that the section shall now read as follows: Rev. Stat.,
c. 257, s. 122,
amended.

122. All informations or complaints for the prosecution of any offence against any of the provisions of this Act, shall be laid or made in writing, within three months after the commission of the offence or after the cause of action arose and not afterwards, before any justice of the peace for the county or district in which the offence is alleged to have been committed, and may be made without any oath or affirmation to the truth thereof, and the same may be according to form provided in the regulations or to the like effect. information.

6.—(1) Subsection 1 of section 139 of *The Liquor Control Act* is amended by striking out the words "a divisional court of the Appellate Division of the Supreme Court of Ontario upon any question touching the validity or invalidity of any Act of this Legislature or of any part thereof, or" in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof the words "the Court of Appeal for Ontario" and by striking out the word "other" in the ninth line so that the subsection shall now read as follows: Rev. Stat.,
c. 257, s. 139,
subs. 1,
amended.

(1) At any time within fifteen days from the date of the judgment or order of any judge of a county or district court arising out of or under section 138 of this Act, the Attorney-General may direct an appeal to the Court of Appeal for Ontario from the judgment or order of a judge of the county or district court in any case arising out of or under the said section in which the Attorney-General of Ontario certifies that he is of opinion that the matters in dispute are of sufficient importance to justify an appeal. Appeal to
Court of
Appeal.

(2) Clause *b* of subsection 2 of the said section 139 as enacted by section 14 of *The Liquor Control Act, 1929*, is repealed and the following substituted therefor: Rev. Stat.,
c. 257, s. 136,
subs. 2, cl. *b*
(1929,
c. 69, s. 14),
repealed.

Practice on
appeals.

- (b) Except so far as otherwise provided by this Act the Consolidated Rules of Practice and Procedure of the Supreme Court relating to appeals to the Court of Appeal for Ontario shall apply to appeals under this section.

Rev. Stat.,
c. 257, s. 139,
subs. 4,
amended.

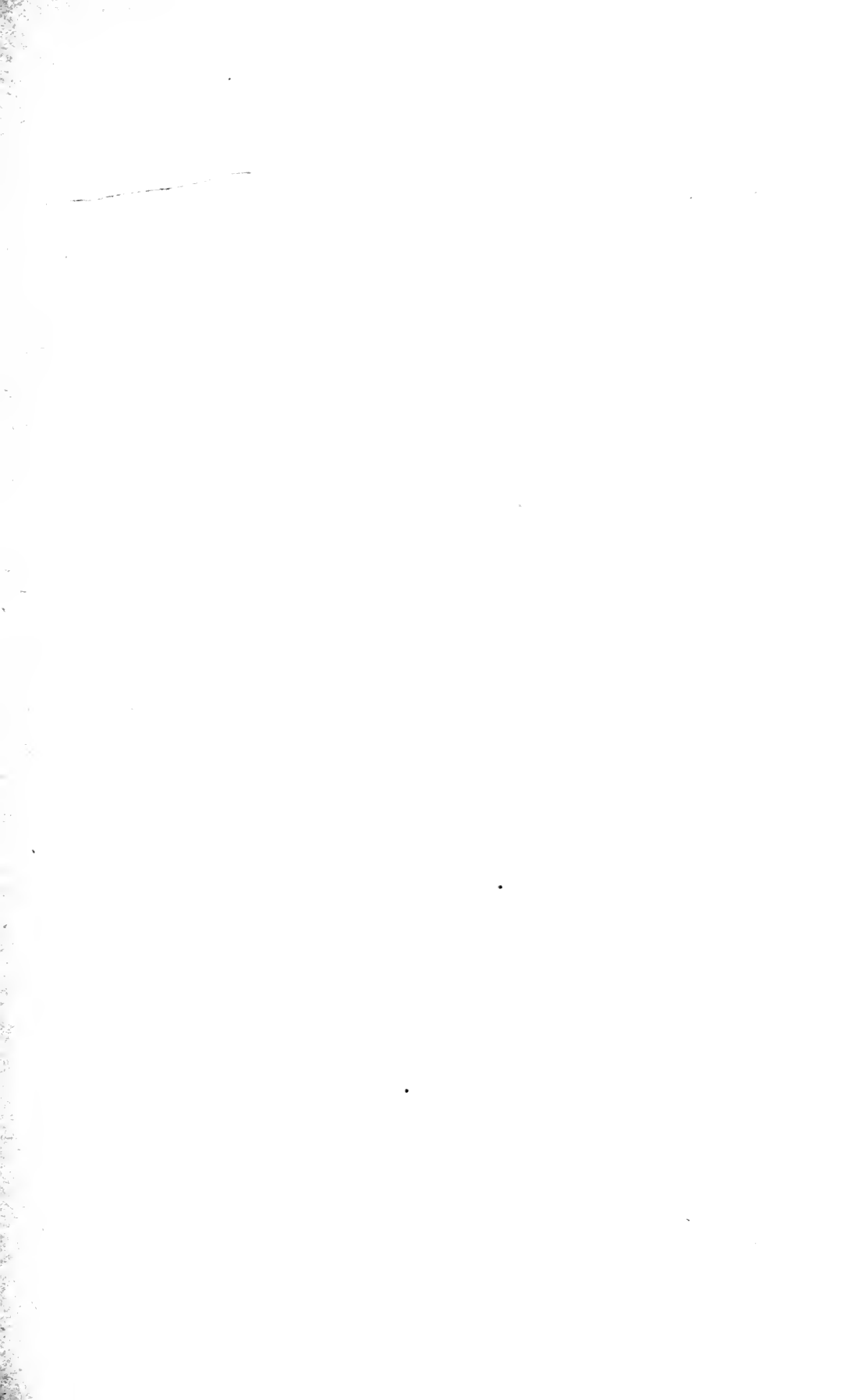
- (3) Subsection 4 of the said section 139 is amended by striking out the words "Divisional Court" in the first line and inserting in lieu thereof the words "Court of Appeal for Ontario," so that the subsection shall now read as follows:

Hearing
and deter-
mination of
appeal.

- (4) The Court of Appeal for Ontario shall thereupon hear and determine the appeal and shall make such order for carrying into effect the judgment of the court as the court shall think fit.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Liquor Control Act.

1st Reading

March 9th, 1932

2nd Reading

March 10th, 1932

3rd Reading

March 22nd, 1932

Mr. PRICE

No. 100

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Conditional Sales Act.

MR. MCCREA

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 100

1932

BILL

An Act to amend The Conditional Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as *The Conditional Sales Act, 1932*.

Rev. Stat.,
c. 165, s. 8,
amended. 2.—(1) Section 8 of *The Conditional Sales Act* is amended by inserting at the commencement of the said section the words "Subject to the provisions of subsection 2."

Rev. Stat.,
c. 165, s. 8,
amended. (2) The said section 8 is amended by adding thereto the following subsections:

Mining
machinery,
subject to
rights of
seller or
lender. (2) Where the goods consist of mining machinery or appliances on a mining claim for which the patent or lease, as the case may be, has not issued, they shall remain subject to the rights of the seller or lender whether they have been affixed to the realty or otherwise as fully as they were before being so affixed, and the hire receipt or conditional sale contract may be filed with the recorder of the mining division in the same manner as a hire receipt or conditional sale contract may be filed with the clerk of a county or district court, and the provisions of this Act with regard to filing shall *mutatis mutandis* apply.

Patent not
to issue until
lien dis-
charged. (3) A patent or lease shall not issue for any such mining claim until any lien or charge on the same under this Act has been discharged.

Commence-
ment of Act. 3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

It has been found difficult to protect creditors whose goods have been used on unpatented mining claims and have perhaps been affixed to the realty. As the law stands at present there is no convenient way in which the lien of the vendor can be preserved and it is proposed to have the lien note filed with the recorder of the mining division.

The new subsection 3 added to section 8 is an additional protection in that a patent or lease cannot issue for a mining claim until any lien or charge registered under the Act has been discharged.

BILL

An Act to amend The Conditional
Sales Act.

1st Reading

March 10th, 1932

2nd Reading

3rd Reading

MR. MCCREA

No. 100

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Conditional Sales Act.

MR. MCCREA

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 100

1932

BILL

An Act to amend The Conditional Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Conditional Sales Act, 1932*.

Rev. Stat.,
c. 165, s. 8,
amended.

2.—(1) Section 8 of *The Conditional Sales Act* is amended by inserting at the commencement of the said section the words "Subject to the provisions of subsection 2."

Rev. Stat.,
c. 165, s. 8,
amended.

(2) The said section 8 is amended by adding thereto the following subsections:

Mining
machinery,
subject to
rights of
seller or
lender.

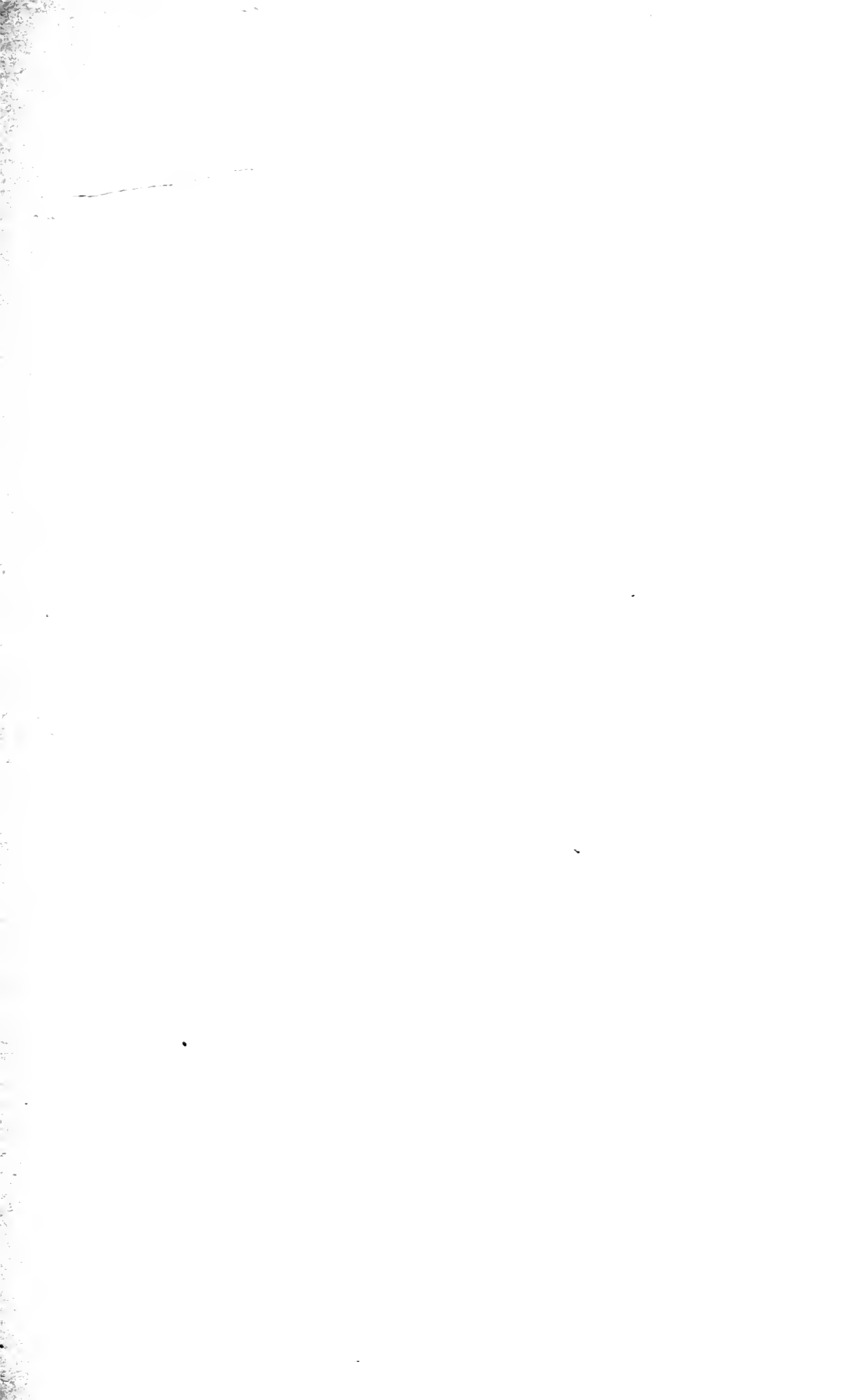
(2) Where the goods consist of mining machinery or appliances on a mining claim for which the patent or lease, as the case may be, has not issued, they shall remain subject to the rights of the seller or lender whether they have been affixed to the realty or otherwise as fully as they were before being so affixed, and the hire receipt or conditional sale contract or a copy thereof may be filed with the recorder of the mining division in the same manner as a hire receipt or conditional sale contract may be filed with the clerk of a county or district court, and the provisions of this Act with regard to filing and discharge shall *mutatis mutandis* apply.

Filing of
contract to
be notice.

(3) The filing of such contract or hire receipt as provided in section 2 or 8 of this Act shall be deemed actual notice to a creditor, subsequent purchaser or mortgagee of such goods or realty.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Conditional
Sales Act.

1st Reading

March 10th, 1932

2nd Reading

March 21st, 1932

3rd Reading

March 25th, 1932

MR. MCCREA

No. 101

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Mining Act.

MR. MCCREA

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mining Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Mining Act, 1932*.

Rev. Stat.,
c. 45, s. 158
(1930, c. 8,
s. 7),
repealed.

2. Section 158 of *The Mining Act* as re-enacted by section 7 of *The Mining Act, 1930*, is repealed and the following substituted therefor:

Examination
of under-
ground
employee
and
applicant for
diseases of
respiratory
organs.

Rev. Stat.,
c. 179.

- 158.—(1) Every workman employed underground in any mine shall be examined at least once in every twelve months by a medical officer appointed under the provisions of *The Workmen's Compensation Act* relating to silicosis, and every applicant for underground work to whom Certificate Number 1 mentioned in subsection 2 has not been issued, shall likewise be examined.

"Applicant."

- (a) "Applicant" shall mean a man who has not previously been engaged in underground work in a mine in Ontario as his regular occupation.

Certificate
of freedom
from disease
to applicant.

- (2) If the medical officer finds upon examination of any such applicant that he is free from any disease of the lungs and respiratory organs, he shall certify on the prescribed form that such is the case and shall deliver the certificate to the applicant. The said certificate shall be designated "Certificate Number 1."

To work-
man.

- (3) If on examination of any workman to whom Certificate Number 1 has been issued, the medical officer finds that he is free from tuberculosis of the lungs and respiratory organs, he shall certify on the prescribed form that such is the case and shall deliver the certificate to the workman. The said certificate shall be designated "Certificate Number 2."

EXPLANATORY NOTES

Section 2. The present section 158 provides for the medical examination of every underground workman at least once in every twelve months and also of a workman who applies for underground work, and the granting of a certificate by the medical examiner that the workman is free from tuberculosis of the respiratory organs.

It is deemed advisable to enlarge the scope of this certificate by making it cover other diseases of such organs. At present there is nothing to prevent the granting of a certificate to a man showing silicosis provided he shows no tuberculosis. It is characteristic of silicosis that it progresses through three stages and that in the third stage tuberculosis almost inevitably intervenes.

Although silicosis is not in itself contagious it leads to a highly contagious disease and it is in the interest of the silicotic workman and his fellow workers that he should not engage in underground work.

There are other diseases of the respiratory organs and their effect is to weaken the resistive power of the respiratory system and so pave the way for silicosis and tuberculosis. The amendment suggested will cover these diseases.

The form of certificate to be substituted for the one now in use will state that the holder has been examined in accordance with the Act and has been found free from any disease of the lungs and respiratory organs, saying nothing about his physical fitness in other respects. This is Certificate Number 1. When the holder of Certificate Number 1 comes up for re-examination after any twelve months' interval, if the medical examiner finds him to be free from tuberculosis, he shall issue a certificate that such is the case. This certificate is designated Certificate Number 2. The reason for this is that the miner may in the interval after receiving Certificate Number 1, have contracted tuberculosis and should therefore be excluded from the mine. If he has contracted silicosis only, he is not necessarily excluded and may remain at his occupation, even though he understands he cannot receive any greater compensation in the future than if he retired at once.

Term of
certificate.

- (4) Every certificate issued under this section shall remain in force for not more than twelve months from the date of issue, and if so required by the manager or superintendent of the mine in which the workman is employed it shall be delivered to and remain in the custody of such manager or superintendent during the period of the workman's employment, and shall be returned to him on his being discharged from or leaving the same.

Ore or rock
crushing
operations at
surface.

- (5) Certificate Number 2 shall be required in the case of a workman engaged in any ore or rock crushing or grinding operation at the surface of the mine, except where the ore or rock is crushed or ground in water or a chemical solution and is kept constantly in a moistened or wet condition.

Employment
prohibited
where
certificate
not issued.

- (6) A workman as to whom Certificate Number 1 is not in force shall not be employed in underground work in any mine, nor, except as provided in subsection 5, shall any workman as to whom Certificate Number 2 is not in force, be employed in any ore or rock crushing or grinding operation at the surface of any mine.

Exemptions.

- (7) The Chief Inspector may exempt from the foregoing provisions of this section such mines as do not contain silica in quantity likely to produce silicosis, or which for any other good and sufficient reason the said Chief Inspector deems should be exempt, nor shall such provisions apply to workmen employed underground for a less period than fifty hours in any one calendar month.

Regulations.

- (8) The Lieutenant-Governor in Council may make regulations prescribing the nature of the medical examination to be made and the form of certificate to be issued under the foregoing provisions of this section and generally for the better carrying out of the requirements of this section.

Certificate
issued under
previous
section.

- (9) A certificate heretofore issued under section 158 of *The Mining Act* as enacted by section 7 of *The Mining Act, 1930*, shall have the like force and effect as Certificate Number 1 mentioned in subsection 2 of this section.

Rev. Stat.,
c. 45, s. 175,
amended.

3. Section 175 of *The Mining Act* as amended by section 17 of *The Mining Act, 1931*, is further amended by adding thereto the following clause:

Section 3. This makes it an offence to make any material change in the wording or numbering of a miner's license.

Penalty
for altering
license.

(hh) Wilfully makes any material change in the wording or numbering of a miner's license after issue of the same.

Commence-
ment of Act.

4. This Act, except section 2, shall come into force on the day upon which it receives the Royal Assent. Section 2 shall come into force on the 1st day of May, 1932.

BILL

An Act to amend The Mining Act.

1st Reading

March 10th, 1932

2nd Reading

3rd Reading

MR. MCCREA

No. 101

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Mining Act.

MR. MCCREA

No. 101

1932

BILL

An Act to amend The Mining Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Mining Act, 1932*.

Rev. Stat.,
c. 45,
amended.

2. *The Mining Act* is amended by adding thereto the following section:

Staking
under
invalid
license,—
effect of.

67a.—(1) Where a mining claim has been staked out in the name of the holder of a miner's license without his knowledge and consent, such staking out shall not derogate from or interfere with the right of such person so as to prevent the staking out of claims to the extent to which he is legitimately entitled.

False
staking of
claims in
excess of
number fixed
by The
Mining Act.

(2) Where a license is issued without the consent of the licensee and a claim or claims has or have been staked out under such license without the knowledge and consent of the person named therein, the Minister, upon the application of such person, may cancel any license so issued and declare any staking or other work done on the claim or claims null and void and of no effect.

Rev. Stat.,
c. 45, s. 175,
amended.

3. Section 175 of *The Mining Act* as amended by section 17 of *The Mining Act, 1931*, is further amended by adding thereto the following clause:

Penalty for
altering
license.

(hh) Wilfully makes any material change in the wording or numbering of a miner's license after issue of the same.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Mining Act.

1st Reading

March 10th, 1932

2nd Reading

March 21st, 1932

3rd Reading

March 25th, 1932

MR. MCCREA

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Telephone Act.

MR. FINLAYSON

No. 102

1932

BILL

An Act to amend The Telephone Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Telephone Act, 1932*.

Rev. Stat.,
c. 227, s. 18,
repealed.

2. Section 18 of *The Telephone Act*, is repealed and the following substituted therefor:

Extension of
system into
unorganized
township.

18. Subject to section 84 of this Act, the council of the initiating municipality may, with the consent of the Board, extend the system into an unorganized township, and the part of such unorganized township into which the system is extended, to be defined by Board, shall, for the purposes of this Act, be deemed to be annexed to the initiating municipality, and the council and officers thereof shall levy and collect all special rates under this Act and do all acts and perform all duties and be subject to the same liabilities in respect to such part of such unorganized township as, for the purposes of this Act, they may do, perform and are subject to with respect to the initiating municipality.

Rev. Stat.,
c. 227, s. 84,
repealed.

3. Section 84 of *The Telephone Act*, is repealed and the following substituted therefor:

Right to use
highways in
unorganized
townships.

84. In unincorporated territory the right to use, for the foregoing purposes, any highway or road allowance situated in a township without municipal organization may be granted by the Minister of the Department of Lands and Forests, upon such terms and conditions and subject to such rentals or charges as may be fixed by the said Minister.

EXPLANATORY NOTE

The object of the amendments is to enable telephone systems to be extended into areas situate outside the limits of an organized municipality and to provide for the collection of the cost of service furnished to such areas.

BILL

An Act to amend The Telephone Act.

1st Reading

March 10th, 1932

2nd Reading

3rd Reading

MR. FINLAYSON

No. 102

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Telephone Act.

MR. FINLAYSON

No. 102

1932.

BILL

An Act to amend The Telephone Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Telephone Act, 1932*.

Rev. Stat.,
c. 227, s. 18,
repealed.

2. Section 18 of *The Telephone Act*, is repealed and the following substituted therefor:

Extension of
system into
unorganized
township.

18. Subject to section 84 of this Act, the council of the initiating municipality may, with the consent of the Board, extend the system into an unorganized township, and the part of such unorganized township into which the system is extended, to be defined by the Board, shall, for the purposes of this Act, be deemed to be annexed to the initiating municipality, and the council and officers thereof shall levy and collect all special rates under this Act and do all acts and perform all duties and be subject to the same liabilities in respect to such part of such unorganized township as, for the purposes of this Act, they may do, perform and are subject to with respect to the initiating municipality.

Rev. Stat.,
c. 227, s. 84,
repealed.

3. Section 84 of *The Telephone Act*, is repealed and the following substituted therefor:

Right to use
highways in
unorganized
townships.

84. In unincorporated territory the right to use, for the foregoing purposes, any highway or road allowance situated in a township without municipal organization may be granted by the Minister of the Department of Lands and Forests, upon such terms and conditions and subject to such rentals or charges as may be fixed by the said Minister.

Rev. Stat.,
c. 227, s. 88,
repealed.

4. Section 88 of *The Telephone Act* is repealed and the following substituted therefor:

88. No by-law of an incorporated telephone company shall have any force or effect or be acted upon until approved by the Board. By-laws to be approved by Board.
5. Section 89 of *The Telephone Act* is amended by striking out the words "established under this Act," at the end thereof, so that the section shall now read as follows: Rev. Stat., c. 227, s. 89, amended.
89. The provisions of sections 189, 190 and 191 of *The Companies Act* shall not be applicable to telephone systems. Ss. 189, 190 and 191 of Rev. Stat., c. 218, not to apply.
6. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act to amend The Telephone Act.

1st Reading

March 10th, 1932

2nd Reading

March 21st, 1932

3rd Reading

March 25th, 1932

MR. FINLAYSON

No. 103

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting Interprovincial Drainage Works.

MR. MONTEITH

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Interprovincial Drainage Works.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Interprovincial Drainage Act, 1932*.

Extending inter-provincial drainage work.

2. Wherever for the purpose of securing better drainage it is deemed necessary or expedient to extend drainage works from Ontario into or through lands in an adjoining province, or to extend a drainage work from an adjoining province, into or through lands in Ontario, the Lieutenant-Governor in Council may authorize the Minister of Public Works to enter into an agreement with a designated officer of the adjoining province as to the proportion of the cost of the work in the adjoining province to be borne and paid by Ontario and as to the proportion of the cost of the work in Ontario to be borne and paid by the adjoining province.

Extension of drain from adjoining Province into Ontario.

3. Where a drain extends from an adjoining province into and through lands in Ontario the Minister of Public Works may order the municipality into which the drain extends to provide for the construction of the necessary drainage work and thereupon all the provisions of *The Municipal Drainage Act* shall apply *mutatis mutandis* to such drain and the contribution to the work from the other province shall be paid to such municipality on the proper completion of the work.

Rev. Stat., c. 241.

Apportionment of cost.

4. Where a drain extends from Ontario into and through lands in an adjoining province, the Minister of Public Works may order the municipality in Ontario in which the lands affected by the drainage work are situate, to provide funds to pay for the proportion of the cost of the work in the adjoining province to be borne and paid by Ontario, and thereupon all the provisions of *The Municipal Drainage Act* shall apply *mutatis mutandis* to such drain.

Rev. Stat., c. 241.

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Section 2. There are numerous instances where drainage cannot be carried to a proper outlet as required by *The Municipal Drainage Act* without going into the Province of Quebec, or on the other hand, coming from the Province of Quebec into Ontario. The same situation will probably have to be dealt with on the western boundary. This Bill is intended to make provision for an agreement under which the work can be done and the cost equitably assessed by making *The Municipal Drainage Act* applicable in such cases.

Section 3. This provides for the carrying off of drainage from another province and for the application of *The Municipal Drainage Act*.

Section 4. This covers the case of a drain extending from Ontario into and through lands in an adjoining province and makes provision for the cost of the work.

BILL

An Act respecting Interprovincial
Drainage Works.

1st Reading

March 10th, 1932

2nd Reading

3rd Reading

MR. MONTEITH

No. 103

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting Interprovincial Drainage Works.

MR. MONTEITH

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Interprovincial Drainage Works.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Interprovincial Drainage Act, 1932*.

Extending inter-provincial drainage work. **2.** Wherever for the purpose of securing better drainage it is deemed necessary or expedient to extend drainage works from Ontario into or through lands in an adjoining province, or to extend a drainage work from an adjoining province, into or through lands in Ontario, the Lieutenant-Governor in Council may authorize the Minister of Public Works to enter into an agreement with a designated officer of the adjoining province as to the proportion of the cost of the work in the adjoining province to be borne and paid by Ontario and as to the proportion of the cost of the work in Ontario to be borne and paid by the adjoining province.

Extension of drain from adjoining Province into Ontario. **3.** Where a drain extends from an adjoining province into and through lands in Ontario the Minister of Public Works may order the municipality into which the drain extends to provide for the construction of the necessary drainage work and thereupon all the provisions of *The Municipal Drainage Act* shall apply *mutatis mutandis* to such drain and the contribution to the work from the other province shall be paid to such municipality on the proper completion of the work.

Rev. Stat.,
c. 241.

Apportionment of cost.

4. Where a drain extends from Ontario into and through lands in an adjoining province, the Minister of Public Works may order the municipality in Ontario in which the lands affected by the drainage work are situate, to provide funds to pay for the proportion of the cost of the work in the adjoining province to be borne and paid by Ontario, and thereupon all the provisions of *The Municipal Drainage Act* shall apply *mutatis mutandis* to such drain.

Rev. Stat.,
c. 241.

Commencement of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act respecting Interprovincial Drainage Works.

1st Reading

March 10th, 1932

2nd Reading

March 14th, 1932

3rd Reading

March 21st, 1932

MR. MONTGOMERY

No. 104

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Succession Duty Act.

MR. DUNLOP.

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 104

1932

BILL

An Act to amend The Succession Duty Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title,

1. This Act may be cited as *The Succession Duty Act, 1932*.

Rev. Stat.,
c. 26, s. 8,
subs. 2, cl. c
(1931,
c. 7, s. 6
subs. 1),
repealed.

2. The clause lettered *c* in subsection 2 of section 8 of *The Succession Duty Act*, as enacted by subsection 1 of section 6 of *The Succession Duty Act, 1931*, is repealed and the following substituted therefor:

(c) Any property, real or personal, including money in banks or other institutions, held in the joint names of the deceased and one or more persons, except the portion thereof which is shown to the satisfaction of the Treasurer to have been contributed by some person other than the deceased.

Rev. Stat.,
c. 26, s. 11,
subs. 1, cl. b,
(1931, c. 7,
s. 8),
repealed.

3.—(1) The clause lettered *b* in subsection 1 of section 11 of *The Succession Duty Act* as re-enacted by section 8 of *The Succession Duty Act, 1931*, is repealed and the following substituted therefor:

(b) Permit the opening of any safety deposit box in Ontario or the removal thereof from Ontario when such safety deposit box contains any negotiable instrument, certificates representing indebtedness under bond or otherwise, or representing any holdings of stock, muniment of title, insurance policy or any other property belonging to a deceased person, or permit the withdrawal from a safety deposit box in Ontario of anything mentioned in this clause.

Rev. Stat.,
c. 26, s. 11,
subs. 2
(1931,
c. 7, s. 8),
amended.

(2) Subsection 2 of the said section 11 as re-enacted by section 8 of *The Succession Duty Act, 1931*, is amended by striking out the words "or other repository" in the second line.

EXPLANATORY NOTES

Section 2.—Under the amendment to the Act last year, \$5,000 in joint accounts is free of succession duty. Such exemption applies in addition to the \$25,000 exemption provided by section 9 and applies to each such joint account. The amendment made by this subsection will leave the law as it was previous to the change made last year. The Department will instruct the banks to pay the money to the survivor immediately upon notice of the amount of such joint account.

Section 3.—(1) This section is not intended as a change in the law but merely to clarify the meaning of the clause.

(2) The words "or other repository" are not necessary as only safety deposit boxes are mentioned in subsection 1.

Rev. Stat.,
c. 26, s. 16,
subs. 1,
amended.

4.—(1) Subsection 1 of section 16 of *The Succession Duty Act* as amended by section 4 of *The Succession Duty Act, 1928*, and section 3 of *The Succession Duty Act, 1929*, is amended by striking out the words “one year” inserted by the said section 4 of *The Succession Duty Act, 1928*, and inserting in lieu thereof the words “six months.”

Idem.

(2) The said subsection 1 of section 16 is further amended by inserting after the word “paid” in the nineteenth line the words “and if before the expiration of the four years the annuity or income has ceased or been reduced by conditions provided by the will or settlement directing its payment, the balance of the duty, where the annuity or income has wholly ceased or the duty on the portion which has ceased, shall be payable by the estate or fund on or out of which the annuity or income is charged or derived or which has benefited by its cessation or reduction,” so that the subsection as amended by subsections 1, 2 and 3 of this section shall now read as follows:

Duty
payable
within six
months from
death of
deceased.

(1) The duty imposed by this Act, unless otherwise herein provided, shall be due at the death of the deceased, and payable within six months thereafter, and if the same, or any part thereof, is paid within that period, no interest shall be charged or collected thereon, but if not so paid, interest at the rate of six per centum per annum from the death of the deceased shall be charged and collected upon the amount remaining from time to time unpaid, and such duty, or so much thereof as remains unpaid, with interest thereon, shall be and remain a lien upon the property in respect of which it is payable until paid; provided that the duty chargeable upon any legacy given by way of annuity, or income, whether for life or otherwise, may be paid in four equal consecutive annual instalments, the first of which shall be paid before the falling due of the first year's annuity or income and each of the three others within the same period in each of the next succeeding three years, and for non-payment when due interest shall be collected from the date of the maturity of each instalment until paid, and if before the expiration of the four years the annuity or income has ceased or been reduced by conditions provided by the will or settlement directing its payment the balance of the duty where the annuity or income has wholly ceased, or the duty on the portion which has ceased shall be payable by the estate or fund on or out of which the annuity or income is charged or derived, or which has benefited by its cessation or reduction, and if the

Proviso.

Section 4.—(1) This amendment is to provide that the duty shall be payable within six months after date of death instead of twelve months.

(2) This amendment is to make provision for payment of the duty by the remainder man where under the terms of the will a widow's annuity or life interest ceases upon her remarriage, and she has paid more duty than she should, the amount overpaid by her will be refunded and charged against the person who benefits by her remarriage.

annuitant or tenant of income dies before the expiration of the four years, the balance of the duties shall be payable by the estate or fund out of which the annuity or income is charged or derived.

(3) The said subsection 1 of section 16 shall be read as though it had contained the words added thereto by subsection 2 of this section, on the 1st day of October, 1928.

Rev. Stat.,
c. 26,
amended.

5. *The Succession Duty Act* is amended by adding thereto the following section:

Declarations
and
affidavits.

27. Declarations or affidavits in connection with returns filed under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor.

Commence-
ment of Act.

6. Except as provided by subsection 3 of section 4, this Act shall come into force on the day upon which it receives the Royal Assent.

(3) This makes the amendment made by subsection 2 retroactive to provide for a case now pending in which the Department wishes to make a refund.

Section 5. This will authorize officials of the Department to take affidavits required under this Act.

BILL

An Act to amend The Succession Duty Act.

1st Reading

March 10th, 1932

2nd Reading

3rd Reading

MR. DUNLOP.

No. 104

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Succession Duty Act.

MR. DUNLOP

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Succession Duty Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Succession Duty Act, 1932*.

Rev. Stat.,
c. 26, s. 8,
subs. 2, cl. c
(1931,
c. 7, s. 6
subs. 1),
repealed. 2. The clause lettered *c* in subsection 2 of section 8 of *The Succession Duty Act*, as re-enacted by subsection 1 of section 6 of *The Succession Duty Act, 1931*, is repealed and the following substituted therefor:

Property
held in joint
names of
deceased and
other
persons.

(c) Any property, real or personal, including money in banks or other institutions, held in the joint names of the deceased and one or more persons, except the portion thereof which is shown to the satisfaction of the Treasurer to have been contributed by some person other than the deceased.

Rev. Stat.,
c. 26, s. 11,
subs. 1, cl. b,
(1931, c. 7,
s. 8),
repealed. 3.—(1) The clause lettered *b* in subsection 1 of section 11 of *The Succession Duty Act* as re-enacted by section 8 of *The Succession Duty Act, 1931*, is repealed and the following substituted therefor:

Opening or
removal of
deposit box,
etc.

(b) Permit the opening of any safety deposit box in Ontario or the removal thereof from Ontario when such safety deposit box contains any negotiable instrument, certificates representing indebtedness under bond or otherwise, or representing any holdings of stock, muniment of title, insurance policy or any other property belonging to a deceased person, or permit the withdrawal from a safety deposit box in Ontario of anything mentioned in this clause.

Rev. Stat.,
c. 26, s. 11,
subs. 2
(1931,
c. 7, s. 8),
amended. (2) Subsection 2 of the said section 11 as re-enacted by section 8 of *The Succession Duty Act, 1931*, is amended by striking out the words "or other repository" in the second line.

4.—(1) Subsection 1 of section 16 of *The Succession Duty Act* as amended by section 4 of *The Succession Duty Act, 1928*, and section 3 of *The Succession Duty Act, 1929*, is further amended by striking out the words "one year" in the third line inserted by the said section 4 of *The Succession Duty Act, 1928*, and inserting in lieu thereof the words "six months." Rev. Stat.,
c. 26, s. 16,
subs. 1,
amended.

(2) The said subsection 1 of section 16 is further amended Idem. by inserting after the word "paid" in the nineteenth line the words "and if before the expiration of the four years the annuity or income has ceased or been reduced by conditions provided by the will or settlement directing its payment, the balance of the duty, where the annuity or income has wholly ceased or the duty on the portion which has ceased, shall be payable by the estate or fund on or out of which the annuity or income is charged or derived or which has benefited by its cessation or reduction," so that the first paragraph of the subsection, as amended by subsections 1, 2 and 3 of this section, shall now read as follows:

- (1) The duty imposed by this Act, unless otherwise Duty
payable
within six
months from
death of
deceased. herein provided, shall be due at the death of the deceased, and payable within six months thereafter, and if the same, or any part thereof, is paid within that period, no interest shall be charged or collected thereon, but if not so paid, interest at the rate of six per centum per annum from the death of the deceased shall be charged and collected upon the amount remaining from time to time unpaid, and such duty, or so much thereof as remains unpaid, with interest thereon, shall be and remain a lien upon the property in respect of which it is payable until paid; provided that the duty chargeable upon any legacy given by way of annuity, or income, whether for life or otherwise, may be paid in four equal consecutive annual instalments, the first of which shall be paid before Proviso. the falling due of the first year's annuity or income and each of the three others within the same period in each of the next succeeding three years, and for non-payment when due interest shall be collected from the date of the maturity of each instalment until paid, and if before the expiration of the four years the annuity or income has ceased or been reduced by conditions provided by the will or settlement directing its payment the balance of the duty where the annuity or income has wholly ceased, or the duty on the portion which has ceased shall be payable by the estate or fund on or out of which the annuity or income is charged or derived, or which has benefited by its cessation or reduction, and if the

annuitant or tenant of income dies before the expiration of the four years, the balance of the duties shall be payable by the estate or fund out of which the annuity or income is charged or derived.

(3) The said subsection 1 of section 16 shall be read as though on the 1st day of October, 1928, it had contained the words added thereto by subsection 2 of this section.

Rev. Stat.,
c. 26, s. 22,
subs. 4,
amended.

5.—(1) Subsection 4 of section 22 of *The Succession Duty Act* is amended by adding thereto the following words:

“and in addition the Court before which any such action is pending may, on the application of the Attorney-General, make such order for the attendance and examination of any person or an officer or servant of any corporation (whether or not such person or corporation is a party to the action) for discovery or otherwise as the Court may deem expedient, may direct the person or persons to be examined to make production upon oath of any books, papers or other writings or documents which may be in the possession or control of such person or persons or of any corporation, and where any such person or corporation is out of Ontario the Court may make an order for such examination or for the issue of a commission or letters of request in a like manner and with the like effect as a similar order may be made for the examination of witnesses for use at the trial of an ordinary action.”

Application
of
Section

(2) The provisions of subsection 1 shall apply to actions instituted after the 1st day of January, 1932.

Rev. Stat.,
c. 26,
amended

6. *The Succession Duty Act* is amended by adding thereto the following section:

Declarations
and
affidavits.

27. Declarations or affidavits in connection with returns filed under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Succession Duty Act.

1st Reading

March 10th, 1932

2nd Reading

March 14th, 1932

3rd Reading

March 25th, 1932

MR. DUNLOP.

No. 105

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Medical Act.

MR. ROBB

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 105

1932

BILL

An Act to amend The Medical Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Medical Act, 1932*.

Rev. Stat.,
c. 196, s. 3,
subs. 1,
cls. *a, b*,
repealed.

2.—(1) The clauses lettered *a* and *b* in subsection 1 of section 3 of *The Medical Act* are repealed and the following substituted therefor:

Minister of
Health.

(a) The Minister of Health for Ontario;

Repre-
sentatives
from
universities,
colleges, etc.

(b) One member to be chosen from every university, college or body in the Province which is authorized to conduct a course or courses in the science and art of medicine and to grant degrees in the same and which is conducting actively such course or courses in medicine at the present time (or from every university, college or body in the Province which is or may be hereafter authorized and established under the above conditions);

Repre-
sentatives of
homœo-
pathy.

(c) Two members resident within the Province of Ontario to be duly elected by the licensed practitioners in homœopathy.

Rev. Stat.,
c. 196, s. 3,
subs. 1, cl. *c*,
amended.

(2) The clause lettered *c* in subsection 1 of the said section 3 is relettered *d* and is amended by striking out the words "eighteen members to be elected" in the first line and inserting in lieu thereof the words "ten members to be elected," so that the clause shall now read as follows:

Elected
members.

(d) Ten members to be elected in the manner hereinafter provided from amongst and by the registered members of the profession other than those mentioned in the preceding clauses of this section.

Rev. Stat.,
c. 196, s. 3,
subs. 3,
amended.

(3) Subsection 3 of the said section 3 is amended by adding at the end thereof the words "resident within the Province of Ontario" so that the subsection shall now read as follows:

EXPLANATORY NOTES

Section 2.—(1) Clause (b) will reduce university representation to University of Toronto, University of Western Ontario and Queen's University which are the only universities now actively conducting courses in medicine. Regiopolis, though entitled to representation in Council, has only once appointed a representative and this was in 1881 and the term of the appointee expired in 1884. The Royal College of Physicians and Surgeons, Kingston, has had no representative since 1910. The Toronto School of Medicine has had no representative since 1903 when their charter was surrendered. Trinity Medical School had their last representative in 1902 at which date their charter was also surrendered (this was a corporation distinct from the University of Trinity College). The University of Trinity College, Victoria University and Ottawa University have always appointed representatives to Council and at this date have representation which would be lost when this amendment becomes effective.

Clause (c). Total homoeopathic registration to-day is thirty-seven, of whom not more than twenty are resident and practising in Ontario. Representation of two in Council given by the new clause (b) is therefore most liberal. (Contrast ten elected members by about 4,000 electors).

(2) The amendment to clause (c) is to conform with the reduction in the number of Council.

(3) Self explanatory.

Members of
Council,—
quali-
fications.

- (3) Every member of the Council appointed under subsection 1 shall be a legally qualified medical practitioner resident within the Province of Ontario.

Rev. Stat.,
c. 196, s. 3,
subs. 4,
amended.

- (4) Subsection 4 of the said section 3 is amended by striking out the word "eighteen" in the first line and inserting in lieu thereof the word "ten."

Rev. Stat.,
c. 196, s. 3,
subs. 5,
repealed.

- (5) Subsection 5 of the said section 3 is repealed and the following substituted therefor:

Elections,—
how to be
conducted.

- (5) One member shall be so elected from each of the territorial divisions numbered 1 to 8 inclusive and two members shall be elected from territorial division number 9 mentioned in schedule "A" to this Act by the registered practitioners of medicine resident in such division, and the manner of holding such election shall, with respect to the time thereof and the taking of the votes therefor, be determined by a by-law to be passed by the Council, and in default of such by-law being passed the Lieutenant-Governor in Council shall prescribe the time and manner of holding such election.

Rev. Stat.,
c. 196, s. 4,
subs. 1,
amended.

- 3.—(1) Subsection 1 of section 4 of *The Medical Act* is amended by inserting after the word "council" in the first line the words "other than the Minister of Health for Ontario" and by inserting the words "or until their successors are elected or appointed," after the word "years" in the second line, so that the first clause of the subsection shall now read as follows:

Term of
membership.

- (1) The members of the Council other than the Minister of Health for Ontario shall be elected or appointed, as the case may be, for a period of four years or until their successors are elected or appointed.

Rev. Stat.,
c. 196, s. 4,
subs. 2,
amended.

- (2) Subsection 2 of the said section 4 is amended by striking out the words "the remaining representatives of the homœopathic system in the Council" and inserting in lieu thereof the words "the remaining practitioners of the homœopathic system in Ontario," and by striking out the word "in" before the word "homœopathy" in the last line and inserting in lieu thereof the words "resident in Ontario and actually engaged in the practice of," so that the subsection shall now read as follows:

Vacancies
in respect
of homœo-
pathic
members of
Council.

- (2) In the event of the death or resignation of any member of the Council representing the practitioners of the homœopathic system of medicine, the remaining practitioners of the homœopathic system in Ontario may fill such vacancy by selecting from

(4) The present subsection provides that the eighteen members elected be residents of the territorial division for which they are elected. The amendment is to conform to the reduced territorial representation as set out in the amendment to clause (c) of subsection 1 of section 3 of the Act.

(5) This reduces the number of members to be elected to agree with the reduced representation provided for in subsection 4.

Section 3.—(1) Self explanatory.

(2) Self explanatory.

amongst the duly registered practitioners resident in Ontario and actually engaged in the practice of homœopathy, a person to fill the vacancy.

Rev. Stat.,
c. 196, s. 4,
subs. 3,
repealed.

(3) Subsection 3 of the said section 4 is repealed and the following substituted therefor:

Notice
of date of
nomination.

(3) The Registrar shall, not more than sixty nor less than forty days before the time for receiving nominations for any quadrennial election under this Act, notify by letter or post card every registered medical practitioner in Ontario of the date of receiving such nominations, and in case of an election to fill a vacancy the Registrar shall, not more than thirty nor less than fifteen days before the time for receiving nominations, notify by letter or post card every registered medical practitioner entitled to vote thereat of the date of receiving nominations to fill the vacancy.

Rev. Stat.,
c. 196, s. 5,
amended.

4. Section 5 of *The Medical Act* is amended by adding at the end thereof the words "resident in Ontario," so that the section shall now read as follows:

Persons
entitled to
vote.

5. The persons entitled to vote under this Act at any election shall be all duly registered practitioners resident in Ontario.

Rev. Stat.,
c. 196, s. 6,
subs. 1,
repealed.

5. Subsection 1 of section 6 of *The Medical Act* is repealed and the following substituted therefor:

Transfer
to different
class on
voters' list.

(1) Any member of the college may have his name transferred from one class of voters to any other class on his presenting to the registrar a certificate authorized by the executive committee and duly signed by its chairman testifying that the member so applying to have his name transferred has shown a sufficient knowledge of the system of medicine with which he desires to connect himself to entitle him to be admitted to the class to which he desires to be transferred and on being so admitted he shall be entitled to vote in that class only.

Rev. Stat.,
c. 196, s. 9,
subs. 1,
amended.

6.—(1) Subsection 1 of section 9 of *The Medical Act* is amended by inserting the words "or vice-president" after the word "president" in the fifth line, and by striking out the word "circular" in the seventh line, so that the subsection shall now read as follows:

Meetings
of Council.

(1) The Council may make rules and regulations as to the times and places of meetings of the Council, and the mode of summoning the same, and in the absence

(3) Heretofore the Act has required that the registrar notify "every registered medical practitioner in Ontario" even though the election might concern only one division. This notice will now only be given in connection with the general quadrennial election. With other elections only those entitled to vote thereat shall receive notice.

Section 4. Self explanatory.

Section 5. The new subsection 1 of section 6 places the responsibility on the executive committee instead of on the board of examiners.

Section 6.—(1) Self explanatory.

of any rule or regulation as to the summoning of meetings the president or vice-president or, in the event of his absence or death, the Registrar may summon a meeting to be held at such time and place as to him seems fit, by letter mailed to each member.

Rev. Stat.,
c. 196, s. 9,
subs. 2,
amended.

(2) Subsection 2 of the said section 9 is amended by striking out the word "president" in the last line and inserting in lieu thereof the word "chairman," so that the subsection shall now read as follows:

Absence of
president.

(2) In the event of the absence of the president from any meeting, the vice-president or, in his absence, some other member to be chosen from among the members present, shall act as chairman.

Rev. Stat.,
c. 196, s. 9,
subs. 3,
amended.

(3) Subsection 3 of the said section 9 is amended by striking out the word "nine" in second line and inserting in lieu thereof the word "seven."

Rev. Stat.,
c. 196, s. 9,
subs. 4,
repealed.

(4) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

Casting vote.

(4) At all meetings the chairman shall in the case of an equality of votes have a casting vote in addition to the vote he is entitled to as a member.

Rev. Stat.,
c. 196, s. 11,
repealed.

7. Section 11 of *The Medical Act* is repealed and the following substituted therefor:

Appoint-
ment of
officers.

11. The Council shall annually elect a president and vice-president from among its members and shall also appoint a registrar-treasurer and such other officers as may from time to time be necessary for giving effect to this Act, who shall hold office during the pleasure of the Council; and the Council may fix the salaries or fees to be paid to such officers, and to the Board of Examiners hereinafter mentioned.

Rev. Stat.,
c. 196, s. 14,
subss. 2, 3,
repealed.

8. Subsections 2 and 3 of section 14 of *The Medical Act* are repealed and the following substituted therefor:

Homœo-
pathists.

(2) Until a homœopathic medical college for teaching purposes is established in Ontario, candidates wishing to be registered as homœopathists shall pass the matriculation examination referred to in section 1 hereof, as the preliminary examination for all students in medicine, and shall present evidence of having spent the full period of study required by the

(2) Self explanatory.

(3) The present subsection 3 provides that nine members of the Council shall form a quorum. The amendment changes this to seven.

(4) The present subsection 4 provides that the president for the time being shall have a casting vote.

Section 7. The present section 11 provides for the appointment of a president, vice-president, registrar and treasurer. The new section combines the offices of registrar and treasurer and provides for the election of the president and vice-president.

Section 8. The new subsection 2 specifies the examination to be passed by persons wishing to be registered as homoeopaths and provides that such persons must present evidence of having spent the full period of study required "in a duly approved homoeopathic medical college."

The new subsection 3 is the same as the present subsection 3 with the addition of the words "provided only that the time so spent shall not be less in length than that required of other students."

curriculum of the Council in a duly approved homœopathic medical college under the supervision of a duly registered homœopathic practitioner.

Compliance
with curri-
culum.

- (3) Such candidates must also have complied with the full curriculum of studies, prescribed from time to time by the Council for all medical students, but the full time of attendance upon lectures and hospitals required by the curriculum of the Council, may be spent in such homœopathic medical colleges in the United States of America or in Europe as may be recognized by a majority of the homœopathic members of the Council, provided only that the time so spent shall not be less in length than that required of other students; but in all homœopathic colleges, where the winter course of lectures is only four months duration, certified tickets of attendance on one such course shall be held to be equivalent to two-thirds of one six-months course as required by the Council; and when such teaching body has been established in Ontario it shall be optional for such candidates to pursue in part or in full the required curriculum in Ontario.

Rev. Stat.,
c. 196, s. 16,
subs. 2,
repealed.

9. Subsection 2 of section 16 of *The Medical Act* is repealed and the following substituted therefor:

Standard
for matri-
culation.

- (2) Where the Council adopts a lower standard for matriculation than that required for graduation in Arts, such standard shall conform to the present departmental middle school examination or its equivalent.

Rev. Stat.,
c. 196, s. 20,
subs. 2,
ss. 21, 22,
repealed.

10. Subsection 2 of section 20 and sections 21 and 22 of *The Medical Act* are repealed.

Rev. Stat.,
c. 196, s. 24,
subs. 2,
repealed.

11. Subsection 2 of section 24 of *The Medical Act* is repealed and the following substituted therefor:

Examiners—
how ap-
pointed.

- (2) The Board of Examiners shall be composed as follows: One member from each of the medical teaching bodies now existing or hereafter authorized and established as referred to in section 3 of this Act, and not less than a like number of members to be chosen from among those members of the College of Physicians and Surgeons of Ontario, who are not connected with any of the above teaching bodies.

Rev. Stat.,
c. 196, s. 25,
repealed.

12. Section 25 of *The Medical Act* is repealed and the following substituted therefor:

Section 9. The present subsection 2 provides that where the Council adopts a lower standard for matriculation than graduation in Arts, such standard shall conform to the curriculum of the universities in the Province for the academic year to which such standard applies, or to the course of study prescribed for junior or senior matriculation in Arts.

Section 10. Subsection 2 of section 20, which is repealed, deals with persons who were legally qualified to practise in the Province of Manitoba at the time of the settlement of the boundary between Ontario and Manitoba (May, 1894). No one in the Districts of Kenora and Rainy River, which are the two districts concerned, would now be registering for the first time. Section 21 deals with persons who on the 23rd July, 1870, were entitled to be registered. No one within this description would now be registering for the first time. Section 22 refers to the same class of persons except that they did not hold the certificate referred to in section 21. These sections are no longer necessary.

Section 11. Subsection 2 of section 24 is amended to conform to the amendment made to clause (a) of subsection 1 of section 3 and to the reduction in number of members of Council.

Section 12. The present section provides that the examinations be held "at Toronto, Kingston and London at such times and in such manner as the Council by by-law directs."

Where
examinations
to be held.

25. The examinations shall be held at Toronto at such times and in such manner as the Council by by-law directs and may also be held at Kingston and London if not less than ten candidates apply for examination at such cities.

Rev. Stat.,
c. 196, s. 30,
subs. 4,
repealed.

13. Subsection 4 of section 30 of *The Medical Act* is repealed and the following substituted therefor:

Removal
from register
after
conviction
by court.

- (4) Upon receipt of proof of the finding or decision of any court of record in the Dominion of Canada, civil or criminal, that a criminal offence has been committed in connection with the practice of his profession by any registered medical practitioner, the Registrar shall immediately erase from the register the name of such practitioner.

Rev. Stat.,
c. 196, s. 33,
subss. 3, 4,
repealed.

14. Subsections 3 and 4 of section 33 of *The Medical Act* are repealed and the following substituted therefor:

Procedure.

- (3) The committee shall meet from time to time for the despatch of business and subject to the provisions of this section, and of any regulations from time to time made by the Council, may regulate the summoning, notice, place, management and adjournment of such meetings, the appointment of a chairman, the mode of deciding questions and generally the transaction and management of business including the quorum, and if there is a quorum the committee may act notwithstanding any vacancy in their body and in case of a vacancy the committee may appoint a member of the Council to fill the vacancy until the next meeting of the Council. If through illness or for any other reason a member of this committee is unable or unwilling to act, the president, or in his absence the vice-president, shall have power to appoint a member in his place.

Legal
assistance,
etc.

- (4) The committee may, for the purpose of the execution of their duties under this Act, employ, at the expense of the Council such legal or other assessor or assistant as the committee may think necessary or proper; and the person whose conduct is the subject of inquiry shall also have the right to be represented by counsel. All meetings of any such committee when held for taking evidence or otherwise ascertaining the facts shall be held either within the county where the member complained of resides or the alleged offence was committed or at the city of Toronto as may be determined by the Registrar.

Right
to counsel.

Place of
meeting.

Section 13. The new subsection substitutes the words "any court of record in His Majesty's Dominions or elsewhere," for the words "any court of record in Ontario." A case has arisen of a Canadian doctor who was arrested by United States authorities for smuggling narcotics. He was convicted in Michigan and was in Wayne County gaol when Council was in session last June and therefore no action could be taken until Council meets in June this year. The doctor was released from gaol last fall and has continued to practice in Ontario since then and Council has been powerless to take any action.

Section 14. Under the present subsection 3 the committee has power to fill vacancies but no provision is made for appointing a substitute member—this power is desirable as apart from absence of a member through illness, cases have arisen where for personal reasons a member might not want to take part in the hearing of a particular case. The new subsection 4 gives the registrar authority to rule that the hearing may be held in Toronto. Normally, the accused gives a formal written consent to the hearing being held in Toronto but cases have arisen where the accused could not be located and it was therefore necessary for the committee and counsel to go to the county where the accused had his residence or where the offence was committed, thus causing much unnecessary expense.

Rev. Stat.,
c. 196, s. 35,
amended.

15. Section 35 of *The Medical Act* is amended by striking out the words "the sum of five cents per folio" in the seventh line and inserting in lieu thereof the words "the cost thereof," so that the section shall now read as follows:

Procedure.

35. The appeal may be by motion, notice of which shall be served upon the registrar, and shall be founded upon a copy of the proceedings before the committee, the evidence taken, the committee's report and the order of the Council in the matter, certified by the Registrar, and the Registrar shall, upon the request of any person desiring to appeal and upon payment of the cost thereof furnish to any such person a certified copy of all proceedings, reports, orders and papers, upon which the committee have acted in making the order complained of.*

Rev. Stat.,
c. 196, s. 40,
subs. 1,
amended.

16. Subsection 1 of section 40 of *The Medical Act* is amended by striking out the words "schedule C, or to the like effect, with the medical titles, diplomas and qualifications" in the fifth and sixth lines and inserting in lieu thereof the words "schedule B, or to the like effect, with the titles, diplomas and qualifications of medical character" so that the subsection shall now read as follows:

Register to
be printed
and
published.

- (1) The Registrar shall from time to time under the direction of the Council cause to be printed and published a correct register of the names in alphabetical order according to surnames, with the respective residences, in the form set forth in schedule B, or to the like effect, with the titles, diplomas and qualifications of medical character, and the dates thereof, of all persons appearing on the register as existing on the day of publication, and such register shall be called "The Ontario Medical Register."

Rev. Stat.,
c. 196, s. 42,
subs. 1,
amended.

17.—(1) Subsection 1 of section 42 of *The Medical Act* is amended by striking out the words "before the last day of December in each year" in the second and third lines and inserting in lieu thereof the words "in the month of January" so that the subsection shall now read as follows:

Medical
practitioners
to take out
annual
certificates.

- (1) Every registered medical practitioner shall obtain from the Registrar annually in the month of January a certificate under the seal of the college, that he is a duly registered medical practitioner.

Rev. Stat.,
c. 196, s. 42,
subs. 6,
amended.

- (2) Subsection 6 of the said section 42 is amended by striking out the words "all arrears of fees and dues owing to

Section 15. This amendment is necessary as at the present time the college is losing considerable through supplying the information at the price heretofore set out in this section.

Section 16. Self explanatory. Schedule "B" is repealed and the present Schedule "C" becomes Schedule "B."

Section 17. The amendment made to subsection 1 is merely to simplify the routine work of office. The amendment to subsection 2 provides a reasonable penalty. The repealing of subsection 7 means that a practitioner cannot legally collect or sue for fees for services unless he is registered and in good standing at the time the services are rendered. Heretofore it has been sufficient so long as a practitioner was registered at the time suit was entered.

the college" in the fourth and fifth lines and inserting in lieu thereof the words "\$2 in addition to all arrears of fees and dues," so that the subsection shall now read as follows:

Re-registration upon payment of arrears.

- (6) Such medical practitioner may, unless otherwise disqualified under this Act, at any time after his name is so erased by the Registrar, obtain re-registration by applying to the Registrar and paying \$2 in addition to all arrears of fees and dues under this Act, and taking out his certificate as herein provided and he shall be thereupon reinstated to the full privileges enjoyed by other registered medical practitioners under this Act.

Rev. Stat., c. 196, s. 42, subs. 7, repealed.

- (3) Subsection 7 of the said section 42 is repealed.

Rev. Stat., c. 196, s. 43, subs. 2, amended.

18. Subsection 2 of section 43 of *The Medical Act* is amended by striking out the word "nine" in the third line and inserting in lieu thereof the word "five."

Rev. Stat., c. 196, ss. 47, 48, repealed.

19. Sections 47 and 48 of *The Medical Act* are repealed and the following substituted therefor:

Penalty for practising without registration.

47. No person not registered shall practice medicine, surgery or midwifery for hire, gain or hope of reward, and if any person not registered pursuant to this Act, for hire, gain or hope of reward practices or professes to practice medicine, surgery or midwifery, or advertises to give advice in medicine, surgery or midwifery, he shall incur a penalty of not less than \$25 nor more than \$100 for the first offence, and for any subsequent offence a penalty of not less than \$100 nor more than \$500.

Penalty for falsely pretending, etc.

48. Any person who wilfully or falsely pretends to be a physician, doctor of medicine, surgeon or general practitioner, or assumes any title, addition or description other than he actually possesses and is legally entitled to, shall incur a penalty of not less than \$10 nor more than \$50 for the first offence and for any subsequent offence a penalty of not less than \$50 nor more than \$200.

Rev. Stat., c. 196, s. 49, subs. 1, amended.

- 20.—(1) Subsection 1 of section 49 of *The Medical Act* is amended by striking out all the words after the word "ailments" in the ninth line and inserting in lieu thereof the words "or physical defects or advertises or holds himself out as such, shall incur a penalty of not less than \$25 nor more than \$100

Section 18. This reduces the number of members required to be present at the passing of a by-law from nine to five to conform to the reduction from eighteen to ten in the number of elected members of the Council.

Section 19. The increased penalties provided by the new sections 47 and 48 are highly desirable, the present penalties failing entirely to stop illegal practice of medicine.

Section 20.—(1) The addition of the words "physical defects" will strengthen the general effect of the section. The increased penalty is considered desirable.

for the first offence, and for any subsequent offence a penalty of not less than \$100 nor more than \$500," so that the subsection shall now read as follows:

Use of
certain titles
restricted.

- (1) Any person not registered pursuant to this Act who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Act, or that he is recognized by law as a physician, surgeon, accoucheur or a licentiate in medicine, surgery or midwifery, or who assumes, uses or employs the title "Doctor," "Surgeon" or "Physician" or any affix or prefix indicative of such titles as an occupational designation relating to the treatment of human ailments or physical defects, or advertises or holds himself out as such shall incur a penalty of not less than \$25 nor more than \$100 for the first offence, and for any subsequent offence a penalty of not less than \$100 nor more than \$500.

Penalty.

Rev. Stat.,
c. 196, s. 49,
subs. 2,
amended.

- (2) Subsection 2 of the said section 49 is amended by striking out the words "nor to any person registered as a pharmaceutical chemist under *The Pharmacy Act*" at the end thereof, so that the subsection shall now read as follows:

Exception as
to dentistry.

- (2) Subsection 1 shall not apply to any licentiate of dental surgery or any other person admitted to practice dentistry or dental surgery under the provisions of *The Dentistry Act*.

Rev. Stat.,
c. 198.

Rev. Stat.,
c. 196, s. 50,
repealed.

- 21.** Section 50 of *The Medical Act* is repealed and the following substituted therefor:

Not
entitled to
recover
charges
unless
registered.

50. No person shall be entitled to recover any charge in any court for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he may have prescribed or supplied, unless he produces to the court a certificate that he was registered under this Act at the time the services were rendered, but this section shall not extend to the sale of any drug or medicine by any duly authorized chemist or druggist.

Rev. Stat.,
c. 196, s. 60,
amended.

- 22.** Section 60 of *The Medical Act* is amended by striking out the words "Revised Statutes of Canada, 1906, chapter 137," in the second and third lines and inserting in lieu thereof the words "Revised Statutes of Canada, 1927, chapter 129," so that the section shall now read as follows:

(2) No college or university in Ontario grants any higher pharmaceutical degree than "Bachelor of Pharmacy." This exception was inserted in 1925 on the erroneous belief that there were in Ontario duly qualified doctors of pharmacy. The amendment will cover the case of a registrant under *The Pharmacy Act* using the title of "doctor" to exploit certain alleged cures and holding himself out as a "consulting optometrist and specialist." Under the present section there is no power to take action.

Section 21. Heretofore it has been sufficient if the practitioner was registered at the time suit was entered and produced to the court a certificate of such registration. The new section requires that the practitioner be registered at the time the services are rendered and it is immaterial whether or not he is registered at the time suit is entered.

Section 22. This amendment is merely to conform to the present Revised Statutes of Canada.

Application
of R.S.C.
129.

60. Subject to the provisos and conditions therein contained, the *Canada Medical Act*, Revised Statutes of Canada, 1927, chapter 129, and amendments thereto are accepted and shall apply to the Province of Ontario, and registration by the Medical Council of Canada shall be accepted as equivalent to registration for the like purposes under this Act.

Rev. Stat.,
c. 196,
Scheds. A, B,
and C,
repealed.

23. Schedules "A," "B" and "C" to *The Medical Act* are repealed and the schedules "A" and "B" set out in this Act are substituted therefor.

Commence-
ment of Act.

24. This Act shall come into force on the 1st day of July, 1932, but members of the Council at present in office shall continue to hold office until the present term expires in October, 1932.

Section 23. Schedule "A"—An entirely new schedule is required on account of the territorial divisions being reduced from eighteen to nine. Schedule "B"—no longer required owing to the repeal of section 22—New Schedule "B" (taking place of old schedule C) bring examples up to date and refers correctly to "University of Toronto," instead of "Toronto University."

SCHEDULE "A"

TERRITORIAL DIVISIONS

(CONSISTING OF THE FOLLOWING COUNTIES, DISTRICTS AND CITY)

- | | |
|--|---|
| <p>1—Essex
Kent
Lambton
Elgin</p> | <p>6—Peterborough
Northumberland
Prince Edward
Hastings
Lennox and Addington
Frontenac
Renfrew
Leeds</p> |
| <p>2—Middlesex
Norfolk
Oxford
Perth
Huron</p> | <p>7—Lanark
Grenville
Carleton
Dundas
Stormont
Glengarry
Russell
Prescott</p> |
| <p>3—Bruce
Grey
Dufferin
Waterloo
Brant
Wellington</p> | <p>8—Haliburton
Muskoka
Parry Sound
Nipissing
Temiskaming
Sudbury
Algoma
Thunder Bay
Rainy River
Patricia</p> |
| <p>4—Haldimand
Wellington
Lincoln
Wentworth</p> | <p>9—City of Toronto</p> |
| <p>5—Simcoe
Halton
Peel
York
Ontario
Durham
Victoria</p> | |

SCHEDULE "B"

FORM OF REGISTER

<i>Name</i>	<i>Residence</i>	<i>Qualifications and Additions</i>
A.B.	Toronto, County of York.....	M.A., M.D., University of Toronto
C.D.	Kingston, County of Frontenac	M.A., M.D., Queen's University
E.F.	Etobicoke, County of York. . .	M.A., M.D., University of Western Ontario
G.H.	Toronto.....	M.A., M.D., University of Toronto

BILL

An Act to amend The Medical Act.

1st Reading

March 10th, 1932

2nd Reading

2nd Reading

Mr. ROBB

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Medical Act.

MR. ROBB

BILL

An Act to amend The Medical Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Medical Act, 1932*.

Rev. Stat.,
c. 196, s. 3,
subs. 1,
cls. *a, b*,
repealed. **2.**—(1) The clauses lettered *a* and *b* in subsection 1 of section 3 of *The Medical Act* are repealed and the following substituted therefor:

Minister of Health. (a) The Minister of Health for Ontario;

Representatives from universities, colleges, etc. (b) One member to be chosen from every university, college or body in the Province which is authorized to conduct a course or courses in the science and art of medicine and to grant degrees in the same and which is conducting actively such course or courses in medicine at the present time.

Representatives of homœopathy. (c) One member resident within the Province of Ontario to be duly elected by the licensed practitioners in homœopathy.

Rev. Stat.,
c. 196, s. 3,
subs. 1, cl. *c*,
amended. (2) The clause lettered *c* in subsection 1 of the said section 3 is relettered *d* and is amended by striking out the words "eighteen members to be elected" in the first line and inserting in lieu thereof the words "ten members to be elected," so that the clause shall now read as follows:

Elected members. (d) Ten members to be elected in the manner hereinafter provided from amongst and by the registered members of the profession other than those mentioned in the preceding clauses of this section.

Rev. Stat.,
c. 196, s. 3,
subs. 3,
amended. (3) Subsection 3 of the said section 3 is amended by adding at the end thereof the words "resident within the Province of Ontario" so that the subsection shall now read as follows:

- (3) Every member of the Council appointed under subsection 1 shall be a legally qualified medical practitioner resident within the Province of Ontario. Members of Council,—qualifications.

(4) Subsection 4 of the said section 3 is amended by striking out the word "eighteen" in the first line and inserting in lieu thereof the word "ten." Rev. Stat., c. 196, s. 3, subs. 4, amended.

(5) Subsection 5 of the said section 3 is repealed and the following substituted therefor: Rev. Stat., c. 196, s. 3, subs. 5, repealed.

- (5) One member shall be so elected from each of the territorial divisions numbered 1 to 8 inclusive and two members shall be elected from territorial division number 9 mentioned in schedule "A" to this Act by the registered practitioners of medicine resident in such division, and the manner of holding such election shall, with respect to the time thereof and the taking of the votes therefor, be determined by a by-law to be passed by the Council, and in default of such by-law being passed the Lieutenant-Governor in Council shall prescribe the time and manner of holding such election. Elections,—how to be conducted.

3.—(1) Subsection 1 of section 4 of *The Medical Act* is amended by inserting after the word "council" in the first line the words "other than the Minister of Health for Ontario" and by inserting the words "or until their successors are elected or appointed," after the word "years" in the second line, so that the first clause of the subsection shall now read as follows: Rev. Stat., c. 196, s. 4, subs. 1, amended.

- (1) The members of the Council other than the Minister of Health for Ontario shall be elected or appointed, as the case may be, for a period of four years or until their successors are elected or appointed. Term of membership.

(2) Subsection 2 of the said section 4 is amended by striking out the words "the remaining representatives of the homœopathic system in the Council" in the third and fourth lines and inserting in lieu thereof the words "the remaining practitioners of the homœopathic system in Ontario," and by striking out the word "in" before the word "homœopathy" in the last line and inserting in lieu thereof the words "resident in Ontario and actually engaged in the practice of," so that the subsection shall now read as follows: Rev. Stat., c. 196, s. 4, subs. 2, amended.

- (2) In the event of the death or resignation of any member of the Council representing the practitioners of the homœopathic system of medicine, the remaining practitioners of the homœopathic system in Ontario may fill such vacancy by selecting from Vacancies in respect of homœopathic members of Council.

amongst the duly registered practitioners resident in Ontario and actually engaged in the practice of homœopathy, a person to fill the vacancy.

Rev. Stat.,
c. 196, s. 4,
subs. 3,
repealed.

(3) Subsection 3 of the said section 4 is repealed and the following substituted therefor:

Notice
of date of
nomination.

(3) The Registrar shall, not more than sixty nor less than forty days before the time for receiving nominations for any quadrennial election under this Act, notify by letter or post card every registered medical practitioner in Ontario of the date of receiving such nominations, and in case of an election to fill a vacancy the Registrar shall, not more than thirty nor less than fifteen days before the time for receiving nominations, notify by letter or post card every registered medical practitioner entitled to vote thereat of the date of receiving nominations to fill the vacancy.

Rev. Stat.,
c. 196, s. 5,
amended.

4. Section 5 of *The Medical Act* is amended by adding at the end thereof the words "resident in Ontario," so that the section shall now read as follows:

Persons
entitled to
vote.

5. The persons entitled to vote under this Act at any election shall be all duly registered practitioners resident in Ontario.

Rev. Stat.,
c. 196, s. 6,
subs. 1,
repealed.

5. Subsection 1 of section 6 of *The Medical Act* is repealed and the following substituted therefor:

Transfer
to different
class on
voters' list.

(1) Any member of the college may have his name transferred from one class of voters to any other class on his presenting to the registrar a certificate authorized by the executive committee and duly signed by its chairman testifying that the member so applying to have his name transferred has shown a sufficient knowledge of the system of medicine with which he desires to connect himself to entitle him to be admitted to the class to which he desires to be transferred and on being so admitted he shall be entitled to vote in that class only.

Rev. Stat.,
c. 196, s. 9,
subs. 1,
amended.

6.—(1) Subsection 1 of section 9 of *The Medical Act* is amended by inserting the words "or vice-president" after the word "president" in the fourth and fifth lines, and by striking out the word "circular" in the seventh line, so that the subsection shall now read as follows:

Meetings
of Council.

(1) The Council may make rules and regulations as to the times and places of meetings of the Council, and the mode of summoning the same, and in the absence

of any rule or regulation as to the summoning of meetings the president or vice-president or, in the event of his absence or death, the Registrar may summon a meeting to be held at such time and place as to him seems fit, by letter mailed to each member.

(2) Subsection 2 of the said section 9 is amended by striking out the word "president" in the last line and inserting in lieu thereof the word "chairman," so that the subsection shall now read as follows: Rev. Stat., c. 196, s. 9, subs. 2, amended.

(2) In the event of the absence of the president from any meeting, the vice-president or, in his absence, some other member to be chosen from among the members present, shall act as chairman. Absence of president.

(3) Subsection 3 of the said section 9 is amended by striking out the word "nine" in the second line and inserting in lieu thereof the word "seven." Rev. Stat., c. 196, s. 9, subs. 3, amended.

(4) Subsection 4 of the said section 9 is repealed and the following substituted therefor: Rev. Stat., c. 196, s. 9, subs. 4, repealed.

(4) At all meetings the chairman shall in the case of an equality of votes have a casting vote in addition to the vote he is entitled to as a member. Casting vote.

7. Section 11 of *The Medical Act* is repealed and the following substituted therefor: Rev. Stat., c. 196, s. 11, repealed.

11. The Council shall annually elect a president and vice-president from among its members and shall also appoint a registrar-treasurer and such other officers as may from time to time be necessary for giving effect to this Act, who shall hold office during the pleasure of the Council; and the Council may fix the salaries or fees to be paid to such officers, and to the Board of Examiners hereinafter mentioned. Appointment of officers.

8. Subsections 2 and 3 of section 14 of *The Medical Act* are repealed and the following substituted therefor: Rev. Stat., c. 196, s. 14, subss. 2, 3, repealed.

(2) Until a homœopathic medical college for teaching purposes is established in Ontario, candidates wishing to be registered as homœopathists shall pass the matriculation examination referred to in section 1 hereof, as the preliminary examination for all students in medicine, and shall present evidence of having spent the full period of study required by the Homœo-pathists.

curriculum of the Council in a duly approved homœopathic medical college under the supervision of a duly registered homœopathic practitioner.

Compliance
with curri-
culum.

- (3) Such candidates must also have complied with the full curriculum of studies, prescribed from time to time by the Council for all medical students, but the full time of attendance upon lectures and hospitals required by the curriculum of the Council, may be spent in such homœopathic medical colleges in the United States of America or in Europe as may be recognized by a majority of the homœopathic members of the Council, provided only that the time so spent shall not be less in length than that required of other students; but in all homœopathic colleges, where the winter course of lectures is of only four months duration, certified tickets of attendance on one such course shall be held to be equivalent to two-thirds of one six-months course as required by the Council; and when such teaching body has been established in Ontario it shall be optional for such candidates to pursue in part or in full the required curriculum in Ontario.

Rev. Stat.,
c. 196, s. 16,
subs. 2,
repealed.

- 9.** Subsection 2 of section 16 of *The Medical Act* is repealed and the following substituted therefor:

Standard
for matri-
culation.

- (2) Where the Council adopts a lower standard for matriculation than that required for graduation in Arts, such standard shall conform to the present departmental middle school examination (pass matriculation) or its equivalent.

Rev. Stat.,
c. 196, s. 20,
subs. 2,
ss. 21, 22,
repealed.

- 10.** Subsection 2 of section 20 and sections 21 and 22 of *The Medical Act* are repealed.

Rev. Stat.,
c. 196, s. 24,
subs. 2,
repealed.

- 11.** Subsection 2 of section 24 of *The Medical Act* is repealed and the following substituted therefor:

Examiners—
how ap-
pointed.

- (2) The Board of Examiners shall be composed as follows: One member from each of the medical teaching bodies now existing or hereafter authorized and established as referred to in section 3 of this Act, and not less than a like number of members to be chosen from among those members of the College of Physicians and Surgeons of Ontario, who are not connected with any of the above teaching bodies.

Rev. Stat.,
c. 196, s. 25,
repealed.

- 12.** Section 25 of *The Medical Act* is repealed and the following substituted therefor:

25. The examinations shall be held at Toronto at such times and in such manner as the Council by by-law directs and may also be held at Kingston and London if not less than ten candidates apply for examination at such cities. Where examinations to be held.

13. Subsection 4 of section 30 of *The Medical Act* is repealed and the following substituted therefor: Rev. Stat., c. 196, s. 30, subs. 4, repealed.

- (4) Upon receipt of proof of the finding or decision of any court of record in the Dominion of Canada, civil or criminal, that a criminal offence has been committed in connection with the practice of his profession by any registered medical practitioner, the Registrar shall immediately erase from the register the name of such practitioner. Removal from register after conviction by court.

14. Subsections 3 and 4 of section 33 of *The Medical Act* are repealed and the following substituted therefor: Rev. Stat., c. 196, s. 33, subs. 3, 4, repealed.

- (3) The committee shall meet from time to time for the despatch of business and subject to the provisions of this section, and of any regulations from time to time made by the Council, may regulate the summoning, notice, place, management and adjournment of such meetings, the appointment of a chairman, the mode of deciding questions and generally the transaction and management of business including the quorum, and if there is a quorum the committee may act notwithstanding any vacancy in their body and in case of a vacancy the committee may appoint a member of the Council to fill the vacancy until the next meeting of the Council. If through illness or for any other reason a member of this committee is unable or unwilling to act, the president, or in his absence the vice-president, shall have power to appoint a member in his place. Procedure
- (4) The committee may, for the purpose of the execution of their duties under this Act, employ, at the expense of the Council, such legal or other assessor or assistant as the committee may think necessary or proper; and the person whose conduct is the subject of inquiry shall also have the right to be represented by counsel. All meetings of any such committee when held for taking evidence or otherwise ascertaining the facts shall be held either within the county where the member complained of resides or the alleged offence was committed or at the city of Toronto as may be determined by the Registrar. Legal assistance, etc.
- Right to counsel.
- Place of meeting.

Rev. Stat.,
c. 196, s. 35,
amended.

15. Section 35 of *The Medical Act* is amended by striking out the words "the sum of five cents per folio" in the seventh line and inserting in lieu thereof the words "the cost thereof," so that the section shall now read as follows:

Procedure.

35. The appeal may be by motion, notice of which shall be served upon the Registrar, and shall be founded upon a copy of the proceedings before the committee, the evidence taken, the committee's report and the order of the Council in the matter, certified by the Registrar, and the Registrar shall, upon the request of any person desiring to appeal and upon payment of the cost thereof furnish to any such person a certified copy of all proceedings, reports, orders and papers, upon which the committee have acted in making the order complained of.

Rev. Stat.,
c. 196, s. 40,
subs. 1,
amended.

16. Subsection 1 of section 40 of *The Medical Act* is amended by striking out the words "schedule C, or to the like effect, with the medical titles, diplomas and qualifications" in the fifth and sixth lines and inserting in lieu thereof the words "schedule B, or to the like effect, with the titles, diplomas and qualifications of medical character" so that the subsection shall now read as follows:

Register to
be printed
and
published.

- (1) The Registrar shall from time to time under the direction of the Council cause to be printed and published a correct register of the names in alphabetical order according to the surnames, with the respective residences, in the form set forth in schedule B, or to the like effect, with the titles, diplomas and qualifications of medical character, and the dates thereof, of all persons appearing on the register as existing on the day of publication, and such register shall be called "The Ontario Medical Register."

Rev. Stat.,
c. 196, s. 42,
subs. 1,
amended.

17.—(1) Subsection 1 of section 42 of *The Medical Act* is amended by striking out the words "before the last day of December in each year" in the second and third lines and inserting in lieu thereof the words "in the month of January" so that the subsection shall now read as follows:

Medical
practitioners
to take out
annual
certificates.

- (1) Every registered medical practitioner shall obtain from the Registrar annually in the month of January a certificate under the seal of the college, that he is a duly registered medical practitioner.

Rev. Stat.,
c. 196, s. 42,
subs. 6,
amended.

(2) Subsection 6 of the said section 42 is amended by striking out the words "all arrears of fees and dues owing to

the college" in the fourth and fifth lines and inserting in lieu thereof the words "\$2 in addition to all arrears of fees and dues," so that the subsection shall now read as follows:

- (6) Such medical practitioner may, unless otherwise disqualified under this Act, at any time after his name is so erased by the Registrar, obtain re-registration by applying to the Registrar and paying \$2 in addition to all arrears of fees and dues under this Act, and taking out his certificate as herein provided and he shall be thereupon reinstated to the full privileges enjoyed by other registered medical practitioners under this Act. Re-registration upon payment of arrears.
- (3) Subsection 7 of the said section 42 is repealed. Rev. Stat., c. 196, s. 42, subs. 7, repealed.
18. Subsection 2 of section 43 of *The Medical Act* is amended by striking out the word "nine" in the third line and inserting in lieu thereof the word "five." Rev. Stat., c. 196, s. 43, subs. 2, amended.
19. Sections 47 and 48 of *The Medical Act* are repealed and the following substituted therefor: Rev. Stat., c. 196, ss. 47, 48, repealed.
47. No person not registered shall practice medicine, surgery or midwifery for hire, gain or hope of reward, and if any person not registered pursuant to this Act, for hire, gain or hope of reward practices or professes to practice medicine, surgery or midwifery, or advertises to give advice in medicine, surgery or midwifery, he shall incur a penalty of not less than \$25 nor more than \$100 for the first offence, and for any subsequent offence a penalty of not less than \$100 nor more than \$500. Penalty for practising without registration.
48. Any person who wilfully or falsely pretends to be a physician, doctor of medicine, surgeon or general practitioner, or assumes any title, addition or description other than he actually possesses and is legally entitled to, shall incur a penalty of not less than \$10 nor more than \$50 for the first offence and for any subsequent offence a penalty of not less than \$50 nor more than \$200. Penalty for falsely pretending, etc.
- 20.—(1) Subsection 1 of section 49 of *The Medical Act* is amended by striking out all the words after the word "ailments" in the ninth line and inserting in lieu thereof the words "or physical defects or advertises or holds himself out as such, shall incur a penalty of not less than \$25 nor more than \$100" Rev. Stat., c. 196, s. 49, subs. 1, amended.

for the first offence, and for any subsequent offence a penalty of not less than \$100 nor more than \$500," so that the subsection shall now read as follows:

Use of
certain titles
restricted.

- (1) Any person not registered pursuant to this Act who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Act, or that he is recognized by law as a physician, surgeon, accoucheur or a licentiate in medicine, surgery or midwifery, or who assumes, uses or employs the title "Doctor," "Surgeon" or "Physician" or any affix or prefix indicative of such titles as an occupational designation relating to the treatment of human ailments or physical defects, or advertises or holds himself out as such shall incur a penalty of not less than \$25 nor more than \$100 for the first offence, and for any subsequent offence a penalty of not less than \$100 nor more than \$500.

Penalty.

Rev. Stat.,
c. 196, s. 49,
subs. 2,
amended.

- (2) Subsection 2 of the said section 49 is amended by striking out the words "nor to any person registered as a pharmaceutical chemist under *The Pharmacy Act*" at the end thereof, so that the subsection shall now read as follows:

Exception as
to dentistry.

- (2) Subsection 1 shall not apply to any licentiate of dental surgery or any other person admitted to practise dentistry or dental surgery under the provisions of *The Dentistry Act*.

Rev. Stat.,
c. 198.

Rev. Stat.,
c. 196, s. 50,
repealed.

- 21.** Section 50 of *The Medical Act* is repealed and the following substituted therefor:

Not
entitled to
recover
charges
unless
registered.

50. No person shall be entitled to recover any charge in any court for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he may have prescribed or supplied, unless he produces to the court a certificate that he was registered under this Act at the time the services were rendered, but this section shall not extend to the sale of any drug or medicine by any duly authorized chemist or druggist.

Rev. Stat.,
c. 196, s. 60,
amended.

- 22.** Section 60 of *The Medical Act* is amended by striking out the words "Revised Statutes of Canada, 1906, chapter 137," in the second and third lines and inserting in lieu thereof the words "Revised Statutes of Canada, 1927, chapter 129," so that the section shall now read as follows:

60. Subject to the provisos and conditions therein contained, the *Canada Medical Act*, Revised Statutes of Canada; 1927, chapter 129, and amendments thereto are accepted and shall apply to the Province of Ontario, and registration by the Medical Council of Canada shall be accepted as equivalent to registration for the like purposes under this Act.

23. Schedules "A," "B" and "C" to *The Medical Act* are repealed and the schedules "A" and "B" set out in this Act are substituted therefor.

Application of R.S.C. 129.
Rev. Stat., c. 196, Schedules A, B, and C, repealed.

24. This Act shall come into force on the 1st day of July, 1932, but members of the Council shall continue until the present term expires in October, 1932.

Commencement of Act.

SCHEDULE "A"

TERRITORIAL DIVISIONS

(CONSISTING OF THE FOLLOWING COUNTIES, DISTRICTS AND CITY)

- | | |
|-------------|----------------------|
| 1—Essex | 6—Peterborough |
| Kent | Northumberland |
| Lambton | Prince Edward |
| Elgin | Hastings |
| | Lennox and Addington |
| 2—Middlesex | Frontenac |
| Norfolk | Renfrew |
| Oxford | Leeds |
| Perth | |
| Huron | 7—Lanark |
| | Grenville |
| 3—Bruce | Carleton |
| Grey | Dundas |
| Dufferin | Stormont |
| Waterloo | Glengarry |
| Brant | Russell |
| Wellington | Prescott |
| | |
| 4—Haldimand | 8—Haliburton |
| Welland | Muskoka |
| Lincoln | Parry Sound |
| Wentworth | Nipissing |
| | Temiskaming |
| 5—Simcoe | Sudbury |
| Halton | Algoma |
| Peel | Thunder Bay |
| York | Rainy River |
| Ontario | Patricia |
| Durham | |
| Victoria | 9—City of Toronto |

SCHEDULE "B"
FORM OF REGISTER

<i>Name</i>	<i>Residence</i>	<i>Qualifications and Additions</i>
A.B.	Toronto, County of York.....	M.A., M.D., University of Toronto
C.D.	Kingston, County of Frontenac	M.A., M.D., Queen's University
E.F.	Etobicoke, County of York....	M.A., M.D., University of Western Ontario
G.H.	Toronto.....	M.A., M.D., University of Toronto

BILL

An Act to amend The Medical Act.

1st Reading

March 10th, 1932

2nd Reading

March 21st, 1932

2nd Reading

March 25th, 1932

MR. ROBB

No. 106

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting the Hamilton Street Railway Company.

Mr. COOKE

No. 106

1932

BILL

An Act respecting the Hamilton Street Railway Company.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Hamilton Street Railway Company Act, 1932*.

Confirma-
tion of
agreement.

2. The agreement dated 20th October, 1931, between the Hamilton Street Railway Company and the municipal corporation of the City of Hamilton set forth in the schedule to this Act is hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

The Hamilton Street Railway was one of the properties taken over upon the transfer of the Dominion Power and Transmission Company to the Hydro-Electric Power Commission.

The Bill confirms an agreement by which the operation of one-man cars on certain routes of the Hamilton Street Railway Company as authorized by the Ontario Railway and Municipal Board, is postponed in return for which the City of Hamilton agrees for the year 1932 to reduce the amount payable by the Company to the City under the existing franchise agreement.

The Bill is necessary inasmuch as the original franchise agreement was scheduled to a former Act and confirmed thereby.

SCHEDULE

This Agreement made in triplicate this Thirtieth day of October, 1931.

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON hereinafter
called the City,

of the first part;

—and—

THE HAMILTON STREET RAILWAY COMPANY hereinafter
called the Company,

of the second part.

Whereas by By-law No. 3336 of the City, passed on the 25th day of May, 1926, and the Agreement therein referred to, the consent, permission and authority of the City were given and granted to the Company to provide a modern and efficient street railway and transportation system on the streets of the City, and by the terms of section 9 of the said Agreement, the Company must pay as therein provided, to the City, quarterly, four per centum of its gross receipts;

And whereas on the application of the Company, the Ontario Railway and Municipal Board issued its order dated 24th April, 1931, approving and permitting the operation by the Company of street railway cars operated by one employee on all routes of the Company's system;

And whereas the said order *inter alia* provides that the Company may operate street railway cars operated by one employee on the route known as the belt line route on and after January 2nd, 1932;

And whereas the City has made an application to the Board to vary the said order, and such application has from time to time been adjourned at the suggestion of the Board in order that some agreement may be arrived at between the parties as to what, if any, amendment should be made to the said order;

And whereas conferences have taken place between the City and the Company, and between the Company and its employees, which have resulted in an Agreement as hereinafter set out:

Now therefore this Agreement witnesseth that in consideration of the premises, the parties hereto have agreed as follows:

1. The Company consents to an Order being made by the Ontario Railway and Municipal Board amending the said Order dated 24th April, 1931, as follows:

- (a) The word "September" in the second line of the paragraph numbered "2" be stricken out, and the word "November" substituted therefor.
- (b) The figures "1932" following the word "January" in the third line of paragraph numbered "3," and in the eighth line of paragraph numbered "4" be stricken out, and the figures "1933" substituted therefor in each case.

2. The City hereby agrees that notwithstanding the provisions of section 9 of the Agreement dated 25th May, 1926, between the City and the Company, the Company shall not be required to pay to the City more than two and two-thirds per centum of its gross receipts in and for the year 1932, but save as aforesaid, the said Agreement shall remain in full force and effect.

3. The Parties hereto agree to join in an application to the Legislature

of the Province of Ontario at its next Session for such legislation as may be necessary to confirm and ratify this Agreement and to declare the same to be valid, legal and binding upon the Parties hereto.

In witness whereof the Parties hereto have caused this Agreement to be executed by their duly authorized officers, and have affixed hereto their respective corporate seals.

SIGNED, SEALED AND DELIVERED

CORPORATION OF THE CITY OF
HAMILTON.

(SEAL)

(Signed) JOHN PEEBLES,
Mayor.

(Signed) S. H. KENT,
City Clerk.

THE HAMILTON STREET RAILWAY
COMPANY.

(SEAL)

(Signed) J. R. COOKE,
President.

(Signed) W. W. POPE,
Secretary.

BILL

An Act respecting the Hamilton Street
Railway Company.

1st Reading

March 10th, 1932

2nd Reading

3rd Reading

MR. COOKE

No. 106

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting the Hamilton Street Railway Company.

MR. COOKE

No. 106

1932

BILL

An Act respecting the Hamilton Street Railway Company.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Hamilton Street Railway Company Act, 1932*.

Confirmation of agreement.

2. The agreement dated 20th October, 1931, between the Hamilton Street Railway Company and the municipal corporation of the City of Hamilton set forth in the schedule to this Act is hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE

This Agreement made in triplicate this Thirtieth day of October, 1931.

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON hereinafter called the City,

of the first part;

—and—

THE HAMILTON STREET RAILWAY COMPANY hereinafter called the Company,

of the second part.

Whereas by By-law No. 3336 of the City, passed on the 25th day of May, 1926, and the Agreement therein referred to, the consent, permission and authority of the City were given and granted to the Company to provide a modern and efficient street railway and transportation system on the streets of the City, and by the terms of section 9 of the said Agreement, the Company must pay as therein provided, to the City, quarterly, four per centum of its gross receipts;

And whereas on the application of the Company, the Ontario Railway and Municipal Board issued its order dated 24th April, 1931, approving and permitting the operation by the Company of street railway cars operated by one employee on all routes of the Company's system;

And whereas the said order *inter alia* provides that the Company may operate street railway cars operated by one employee on the route known as the belt line route on and after January 2nd, 1932;

And whereas the City has made an application to the Board to vary the said order, and such application has from time to time been adjourned at the suggestion of the Board in order that some agreement may be arrived at between the parties as to what, if any, amendment should be made to the said order;

And whereas conferences have taken place between the City and the Company, and between the Company and its employees, which have resulted in an Agreement as hereinafter set out:

Now therefore this Agreement witnesseth that in consideration of the premises, the parties hereto have agreed as follows:

1. The Company consents to an Order being made by the Ontario Railway and Municipal Board amending the said Order dated 24th April, 1931, as follows:

- (a) The word "September" in the second line of the paragraph numbered "2" be stricken out, and the word "November" substituted therefor.
- (b) The figures "1932" following the word "January" in the third line of paragraph numbered "3," and in the eighth line of paragraph numbered "4" be stricken out, and the figures "1933" substituted therefor in each case.

2. The City hereby agrees that notwithstanding the provisions of section 9 of the Agreement dated 25th May, 1926, between the City and the Company, the Company shall not be required to pay to the City more than two and two-thirds per centum of its gross receipts in and for the year 1932, but save as aforesaid, the said Agreement shall remain in full force and effect.

3. The Parties hereto agree to join in an application to the Legislature of the Province of Ontario at its next Session for such legislation as may be necessary to confirm and ratify this Agreement and to declare the same to be valid, legal and binding upon the Parties hereto.

In witness whereof the Parties hereto have caused this Agreement to be executed by their duly authorized officers, and have affixed hereto their respective corporate seals.

SIGNED, SEALED AND DELIVERED

CORPORATION OF THE CITY OF
HAMILTON.

(SEAL)

(Signed) JOHN PEEBLES,
Mayor.

(Signed) S. H. KENT,
City Clerk.

THE HAMILTON STREET RAILWAY
COMPANY.

(SEAL)

(Signed) J. R. COOKE,
President.

(Signed) W. W. POPE,
Secretary.

BILL

An Act respecting the Hamilton Street
Railway Company.

1st Reading

March 10th, 1932

2nd Reading

March 14th, 1932

3rd Reading

March 21st, 1932

MR. COOKE

No. 107

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Public Utilities Act.

MR. COOKE.

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 107

1932

BILL

An Act to amend The Public Utilities Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Utilities Act, 1932*.

Rev. Stat.,
c. 249, s. 32,
(1931,
c. 57, s. 2),
amended.

2. Section 32 of *The Public Utilities Act* as re-enacted by section 2 of *The Public Utilities Act, 1931*, is amended by adding thereto the following subsection:

Sale to
Power Com-
mission.

(10) Sale, lease or other disposal to the Hydro-Electric Power Commission of Ontario shall not require the approval of the Ontario Railway and Municipal Board as provided in subsection 5, nor the assent of the electors as provided in subsection 4.

Rev. Stat.,
c. 249, s. 33,
amended.

3. Section 33 of *The Public Utilities Act* is amended by adding thereto the following subsection:

Municipal
commission,
—consent
required to
change in.

(7) Where a municipal corporation has entered into contract with the Hydro-Electric Power Commission of Ontario for a supply of electrical power or energy in the municipality and a commission has been established under this section, the by-law establishing the commission shall not be repealed or amended and the commission shall not be abolished or changed without the consent of the Hydro-Electric Power Commission of Ontario.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Section 2. In 1931 *The Public Utilities Act* was amended so as to prevent a municipal council or commission from dispensing of public utilities without,—

- (a) the assent of the electors where the whole undertaking is to be sold;
- (b) the approval of the Ontario Railway and Municipal Board where part only is being sold.

It is thought unnecessary that where the Power Commission is dealing with a municipality for the sale or disposal of a public utility that an application should be required for the approval of the Railway and Municipal Board or the assent of the electors.

When the Central Ontario System was taken over by the Hydro the Commission began to dispose of these utilities to the municipalities in which they were operating. The most of them have been disposed of by this time.

Section 3. The local commissioner in a city or town with which the Power Commission has a contract cannot be abolished or the by-law repealed without the assent of the Commission. There is no similar provision as to village commissions. This section provides a similar check in the case of village commissions by providing that no municipal corporation which has entered into a contract with the Power Commission and has established a commission under *The Public Utilities Act* for the operation of public utility works shall amend or repeal the by-law establishing the commission or abolish or change the commission without the consent of the Provincial Commission.

An Act to amend The Public Utilities Act.

1st Reading

March 10th, 1932

2nd Reading

3rd Reading

MR. COOKE.

No. 108

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to make Uniform the Law respecting Registration of
Corporation Securities.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to make Uniform the Law respecting
Registration of Corporation Securities.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Short title. **1.** This Act may be cited as *The Corporation Securities
Registration Act, 1932.*

Intre- **2.** In this Act, unless the context otherwise requires:—
pretation.

"Assignment
of book
debts." (a) "Assignment of books debts" shall include every legal
or equitable assignment by way of security of, and
every mortgage or other charge upon book debts;

"Assignor." (b) "Assignor" shall mean any corporation making an
assignment of book debts;

"Book
debts." (c) "Book debts" shall mean all such accounts and
debts, whether existing or future, as in the ordinary
course of business would be entered in books,
whether actually entered or not, and includes any
part or class thereof;

"Chattels." (d) "Chattels" shall mean goods and chattels capable
of complete transfer by delivery, and includes when
separately assigned or charged, fixtures and growing
crops; but does not include chattel interests in real
property or fixtures when assigned together with a
freehold or leasehold interest in any land or building
to which they are affixed; or growing crops, when
assigned together with any interest in the land on
which they grow; or a ship or vessel registered under
the provisions of the *Canada Shipping Act* or the
Merchant Shipping Act, 1894, and amending Acts or
any share in such ship or vessel; or shares or interests
in the stock, funds or securities of a government, or
in the capital of a corporation, or book debts or
other choses in action;

R.S.C.,
c. 186.

EXPLANATORY NOTES

Section 2. The object of this Act is to secure the registration of securities issued against chattel property in Ontario and to give the proper priority to the holders of such securities over other subsequent purchasers and mortgagees.

"Cor-¹
poration."

(e) "Corporation" shall include a company, corporation or body corporate wherever or however incorporated;

"Creditors."

(f) "Creditors" shall mean creditors of the mortgagor or assignor, whether execution creditors or not, who become creditors before the registration of the mortgage, charge or assignment, and, for the purpose of enforcing the rights of such creditors but not otherwise, shall include a creditor suing on behalf of himself and other creditors, an assignee for the general benefit of creditors, a trustee under *The Bankruptcy Act* and a liquidator of a company under the *Winding Up Act of Canada* or under a provincial Act containing provisions for the winding up of companies, without regard to the time when the creditor so suing becomes a creditor or when the assignee, trustee or liquidator is appointed;

R.S.C.,
cc. 11, 213.

"Mort-
gagor."

(g) "Mortgagor" shall include a corporation which executes a charge and "mortgagee" shall include a person in whose favour a charge is created;

"Sub-
sequent
purchasers
or mort-
gagees."

(h) "Subsequent purchasers or mortgagees" shall include any person who obtains, whether by way of purchase, mortgage, charge or assignment, an interest in chattels or book debts which have already been mortgaged, charged or assigned.

Instruments
to be regis-
tered.

3.—(1) Every mortgage and every charge, whether specific or floating, of chattels in the Province created by a corporation and every assignment of book debts, whether by way of specific or floating charge, made by a corporation engaged in a trade or business in the Province and contained:

- (a) in a trust deed or other instrument to secure bonds, debentures or debenture stock of the corporation or of any other corporation; or
- (b) in any bonds, debentures or debenture stock of the corporation as well as in the trust deed or other instrument securing the same, or in a trust deed or other instrument securing the bonds, debentures or debenture stock of any other corporation; or
- (c) in any bonds, debentures or debenture stock or any series of bonds or debentures of the corporation not secured by a separate instrument,

shall be absolutely void as against creditors of the mortgagor or assignor, and as against subsequent purchasers or mort-

Section 3.—(1) This defines the classes of securities which must be registered in order to preserve their priority.

gagees from or under the mortgagor or assignor, in good faith, for valuable consideration and without notice, unless it is duly registered, and unless, if contained in a trust deed or other instrument to secure bonds, debentures or debenture stock, it complies with the provisions of subsection 2.

Affidavit
of
bona fides.

(2) If the mortgage, charge or assignment is contained in a trust deed or other instrument to secure bonds, debentures or debenture stock, the instrument containing it shall be accompanied by an affidavit of the mortgagee, trustee, or grantee or one of the mortgagees, trustees or grantees, his or their agent, or, if the mortgagee, trustee or grantee is a corporation, of any officer or agent of the corporation, stating that the instrument containing the mortgage, charge or assignment was executed in good faith and for the purpose of securing payment of the bonds, debentures or debenture stock referred to therein and not for the mere purpose of protecting the chattels or book debts therein mentioned against the creditors of the mortgagor or assignor or preventing such creditors from obtaining payment of any claim against the mortgagor or assignor.

When
charge to
take effect.

(3) A mortgage, charge or assignment required to be registered under this Act shall, as against creditors and the subsequent purchasers or mortgagees referred to in subsection 1, take effect only from the time of its registration.

Registra-
tion,—
mode of

4.—(1) Registration of every mortgage, charge or assignment, shall, save as provided by subsection 2, be effected by filing with the Provincial Secretary a duplicate original of the instrument containing the mortgage, charge or assignment, together with the affidavit required by subsection 2 of section 3, and an affidavit made by any officer or agent of the mortgagor or assignor stating the date of the execution of the instrument by the mortgagor or assignor, within thirty days from the date of the execution of the instrument.

Registra-
tion when
charge in
bond, etc.

(2) Registration of every mortgage, charge or assignment, contained in bonds, debentures or any series thereof, or in debenture stock, not secured by a separate instrument, shall be effected by filing with the Provincial Secretary, within thirty days after the execution of the bonds, debentures or debenture stock, an affidavit made by any officer or agent of the mortgagor or assignor, setting forth the following particulars:—

- (a) the total amount secured by the bonds, debentures or series thereof, or debenture stock;
- (b) a true copy of the bond or debenture or of one bond or debenture of the series or of the debenture stock certificate;

(2) Provides for an affidavit of *bona fides*.

(3) Provides that priority shall be preserved only from the time of registration.

Section 4.—(1) This provides the method of registration. One reason for making the Provincial Secretary the depository of these instruments is that that is the office in which the laws as to the incorporation of companies are enforced.

(2) Provides for the case where the charge is contained in the bonds or debentures themselves.

(c) the date of execution.

Affidavit of
corporation
officer.

5. Any affidavit made for the purposes of this Act by an officer or agent of a corporation shall state that the deponent is aware of the circumstances connected with the transaction and has a personal knowledge of the facts deposed to.

Time
expiring on
holiday.

6. When the time for filing an instrument containing a mortgage, charge or assignment, or an affidavit, expires on a Sunday or other day on which the office of the Provincial Secretary is closed, the filing shall, so far as regards the time of filing, be valid if made on the next following day on which the office is open.

Minutes of
registration.

7. The Provincial Secretary shall cause every instrument containing a mortgage, charge or assignment, and every affidavit filed in his office under this Act to be numbered, to be endorsed with a memorandum of the day, hour and minute of its filing and to be indexed by entering in alphabetical order in a register kept by him the names of the parties to the mortgage, charge or assignment, the date of execution of the instrument containing the same or of the bonds, debentures or debenture stock not secured by separate instrument, as shown by the affidavit filed, and the date of filing and the amount secured as shown by the instrument or by the affidavit.

Rectification
of omissions
and mis-
statements.

8. Subject to the rights of other persons accrued by reason of any omission or mis-statement referred to in this section, a judge of the Supreme Court, on being satisfied that the omission to file an instrument or affidavit within the time prescribed by this Act or any omission or mis-statement in any document filed under this Act was accidental or due to inadvertence or impossibility or other sufficient cause, may, in his discretion, extend the time for registration, or order the omission or mis-statement to be rectified on such terms and conditions, if any, as to security, notice by advertisement or otherwise, or as to any other matter or thing, as he thinks fit to direct. The order or a copy thereof shall be annexed to the instrument or affidavit or document or copy thereof on file or tendered for filing, and appropriate entries shall be made in the register.

Defects
and irregu-
larities.

9. No defect or irregularity in the execution of an instrument containing a mortgage, charge or assignment, no defect, irregularity or omission in any affidavit, and no error of a clerical nature or in an immaterial or non-essential part shall invalidate or destroy the effect of the mortgage, charge or assignment or the registration thereof, unless in the opinion of the court or judge before whom a question relating thereto is tried, such defect, irregularity, omission or error has actually misled some person whose interests are affected by the mortgage, charge or assignment.

Section 5. Provides for personal knowledge of the facts by the deponent.

Section 6. This is possibly unnecessary in view of the provisions of *The Interpretation Act* but is considered advisable.

Section 7. This is a similar provision to that contained in other statutes providing for the registration of instruments.

Section 8. Provides for the correction of mistakes by order of a judge of the Supreme Court.

Section 9. Provides against the invalidity of instruments owing to non-essential defects and irregularities.

Assignments
and dis-
charges.

10.—(1) An assignment of a mortgage or charge of chattels or of an assignment of book debts within this Act need not, but may, be filed with the Provincial Secretary.

Discharge
and partial
discharge.

(2) A mortgage or charge or assignment of book debts registered under this Act may be discharged in whole or in part by filing with the Provincial Secretary a certificate of discharge signed by the mortgagee, trustee, or assignee, his or its executors, administrators, successors or assigns, and, except in the case of a certificate of discharge executed by a corporation under its corporate seal, the certificate shall be accompanied by the affidavit of an attesting witness of the execution thereof; but in case a mortgage, charge or assignment of book debts has been assigned, no certificate of discharge by an assignee shall be filed until the assignment has been filed.

Discharge
when charge
on face of
securities.

(3) In the case of a mortgage, charge or assignment contained in bonds, debentures or any series thereof, or in debenture stock, not secured by a separate instrument, the Provincial Secretary may, on evidence being given to his satisfaction that the debt for which the mortgage, charge or assignment was given as security has been paid or satisfied, enter a memorandum of discharge in the register, and shall, if required, furnish the corporation with a copy thereof.

Entry of
assignment
or discharge.

(4) The Provincial Secretary shall note the fact of such assignment or discharge against each entry in the books of his office respecting the filing of the instrument or affidavit, and shall make a like notation upon that instrument or upon the affidavit filed under subsection 2 of section 4.

Certificate
of filing.

11.—(1) Upon payment of the prescribed fees the Provincial Secretary shall give a certificate under his hand of the filing of any instrument or affidavit in pursuance of this Act, and of the day and hour of such filing, and a certificate as to prior registrations, if any, of mortgages, charges or assignments created or made by the mortgagor or assignor.

Evidence.

(2) Every certificate furnished by the Provincial Secretary touching any matter dealt with by this Act, shall be received for all purposes as *prima facie* evidence of the facts set out in the certificate; and every copy of a document filed under this Act, certified by the Provincial Secretary, shall be received as *prima facie* evidence for all purposes as if the original document were produced, and also as *prima facie* evidence of the execution of the original document according to the purport of such copy.

Proof not
required of
Provincial
Secretary's
signature.

(3) No proof shall be required of the signature of the

Section 10.—(1) This makes it possible but unnecessary to register an assignment of a charge registered under this Act.

(2) Provides for a certificate of discharge in whole or in part.

(3) Provides for discharge in cases where the Provincial Secretary is satisfied that the debt for which the mortgage, charge or assignment was given as security has been paid.

(4) Provides for noting the assignment or discharge in the books of the Provincial Secretary.

Section 11.—(1) Authorizes the Provincial Secretary to give a certificate as to the facts in his books as to mortgages, charges or assignments registered under the Act.

(2) Makes the certificate effective as evidence as to the facts set out therein.

(3) This is the usual section. It is probably unnecessary but desirable.

Provincial Secretary in respect of any certificate produced as evidence pursuant to this section.

Searches.

12. Upon payment of the prescribed fees every person shall have access to and be entitled to inspect the books of the Provincial Secretary containing records or entries of mortgages, charges or assignments or documents registered or filed under the provisions of this Act, and no person shall be required as a condition of his right thereto to disclose the name of the person in respect of whom such access or inspection is sought; and the Provincial Secretary shall, upon request, accompanied by payment of the prescribed fees, produce for inspection any mortgage, charge, assignment or document so registered or filed.

Fees.

13. For service under this Act the Provincial Secretary shall be entitled to receive such fees as may be from time to time prescribed by the Lieutenant-Governor in Council.

Application of Act,

14. This Act shall apply only to mortgages or charges of chattels or assignments of book debts executed after it comes into force.

Charges created before passing of Act.

15. A mortgage or charge of chattels or an assignment of book debts heretofore made which if the same had been executed after the coming into force of this Act would be within the provisions of this Act and which has heretofore or hereafter been properly registered or filed under any Act respecting the same shall, notwithstanding anything contained in that Act or any other Act of this Legislature, not require to be renewed.

Rev. Stat., c. 164; 1931, c. 35.

16. *The Bills of Sale and Chattel Mortgages Act* and *The Assignment of Book Debts Act* shall not apply to any mortgage, charge or assignment the registration of which is provided for in this Act.

Interpretation of Act.

17. This Act shall be so interpreted and construed as to effect its general purpose of making uniform the law of those provinces which enact it.

Section 12. Makes the registers and other books and documents registered or filed under the provisions of this Act accessible to the public.

Section 13. Provides for the payment of fees towards the expenses of the carrying out of the Act.

Section 14. This is intended to prevent the Act from being interpreted as retroactive.

Section 15. This is intended to protect instruments issued and filed under other Acts such as *The Bills of Sale and Chattel Mortgages Act* and *The Assignment of Book Debts Act*.

Section 16. This is the usual section inserted in Acts recommended by the Commissioners on Uniformity of Legislation.

BILL

An Act to make Uniform the Law Respecting Registration of Corporation Securities.

1st Reading

March 10th, 1932

2nd Reading

3rd Reading

MR. PRICE

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to make Uniform the Law respecting Registration of
Corporation Securities.

MR. PRICE

BILL

An Act to make Uniform the Law respecting
Registration of Corporation Securities.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Short title.

1. This Act may be cited as *The Corporation Securities Registration Act, 1932*.

Inter-
pretation.

2. In this Act, unless the context otherwise requires:—

"Assignment
of book
debts."

(a) "Assignment of book debts" shall include every legal or equitable assignment by way of security of, and every mortgage or other charge upon book debts;

"Assignor."

(b) "Assignor" shall mean any corporation making an assignment of book debts;

"Book
debts."

(c) "Book debts" shall mean all such accounts and debts, whether existing or future, as in the ordinary course of business would be entered in books, whether actually entered or not, and includes any part or class thereof;

"Chattels."

(d) "Chattels" shall mean goods and chattels capable of complete transfer by delivery, and includes when separately assigned or charged, fixtures and growing crops; but does not include chattel interests in real property or fixtures when assigned together with a freehold or leasehold interest in any land or building to which they are affixed; or growing crops, when assigned together with any interest in the land on which they grow; or a ship or vessel registered under the provisions of the *Canada Shipping Act* or the *Merchant Shipping Act, 1894*, and amending Acts or any share in such ship or vessel; or shares or interests in the stock, funds or securities of a government, or in the capital of a corporation, or book debts or other choses in action;

R.S.C.,
c. 186.

- (e) "Corporation" shall include a company, corporation^{"Corporation."} or body corporate wherever or however incorporated;
- (f) "Creditors" shall mean creditors of the mortgagor or assignor, whether execution creditors or not, who become creditors before the registration of the mortgage, charge or assignment, and, for the purpose of enforcing the rights of such creditors but not otherwise, shall include a creditor suing on behalf of himself and other creditors, an assignee for the general benefit of creditors, a trustee under *The Bankruptcy Act* and a liquidator of a company under the *Winding Up Act of Canada* or under a provincial Act containing provisions for the winding up of companies, without regard to the time when the creditor so suing becomes a creditor or when the assignee, trustee or liquidator is appointed;^{R.S.C., c. 11, 213.}
- (g) "Mortgagor" shall include a corporation which^{"Mortgagor,"} executes a charge and "mortgagee" shall include a^{"Mortgagee."} person in whose favour a charge is created;
- (h) "Subsequent purchasers or mortgagees" shall include^{"Subsequent purchasers or mortgagees."} any person who obtains, whether by way of purchase, mortgage, charge or assignment, an interest in chattels or book debts which have already been mortgaged, charged or assigned.

3.—(1) Every mortgage and every charge, whether specific^{Instruments to be registered} or floating, of chattels in the Province created by a corporation, and every assignment of book debts, whether by way of specific or floating charge, made by a corporation engaged in a trade or business in the Province and contained:

- (a) in a trust deed or other instrument to secure bonds, debentures or debenture stock of the corporation or of any other corporation; or
- (b) in any bonds, debentures or debenture stock of the corporation as well as in the trust deed or other instrument securing the same, or in a trust deed or other instrument securing the bonds, debentures or debenture stock of any other corporation; or
- (c) in any bonds, debentures or debenture stock or any series of bonds or debentures of the corporation not secured by a separate instrument,

shall be absolutely void as against creditors of the mortgagor or assignor, and as against subsequent purchasers or mort-

gagees from or under the mortgagor or assignor, in good faith, for valuable consideration and without notice, unless it is duly registered, and unless, if contained in a trust deed or other instrument to secure bonds, debentures or debenture stock, it complies with the provisions of subsection 2.

Affidavit
of
bona fides.

(2) If the mortgage, charge or assignment is contained in a trust deed or other instrument to secure bonds, debentures or debenture stock, the instrument containing it shall be accompanied by an affidavit of the mortgagee, trustee, or grantee or one of the mortgagees, trustees or grantees, his or their agent, or, if the mortgagee, trustee or grantee is a corporation, of any officer or agent of the corporation, stating that the instrument containing the mortgage, charge or assignment was executed in good faith and for the purpose of securing payment of the bonds, debentures or debenture stock referred to therein and not for the mere purpose of protecting the chattels or book debts therein mentioned against the creditors of the mortgagor or assignor or preventing such creditors from obtaining payment of any claim against the mortgagor or assignor.

When
charge to
take effect.

(3) A mortgage, charge or assignment required to be registered under this Act shall, as against creditors and the subsequent purchasers or mortgagees referred to in subsection 1, take effect only from the time of its registration.

Registra-
tion—
mode of

4.—(1) Registration of every mortgage, charge or assignment, shall, save as provided by subsection 2, be effected by filing with the Provincial Secretary a duplicate original of the instrument containing the mortgage, charge or assignment, together with the affidavit required by subsection 2 of section 3, and an affidavit made by any officer or agent of the mortgagor or assignor stating the date of the execution of the instrument by the mortgagor or assignor, within thirty days from the date of the execution of the instrument.

Registra-
tion when
charge in
bond, etc.

(2) Registration of every mortgage, charge or assignment, contained in bonds, debentures or any series thereof, or in debenture stock, not secured by a separate instrument, shall be effected by filing with the Provincial Secretary, within thirty days after the execution of the bonds, debentures or debenture stock, an affidavit made by any officer or agent of the mortgagor or assignor, setting forth the following particulars:—

- (a) the total amount secured by the bonds, debentures or series thereof, or debenture stock;
- (b) a true copy of the bond or debenture or of one bond or debenture of the series or of the debenture stock certificate;

(c) the date of execution.

5. Any affidavit made for the purposes of this Act by an officer or agent of a corporation shall state that the deponent is aware of the circumstances connected with the transaction and has a personal knowledge of the facts deposed to. Affidavit of corporation officer.

6. When the time for filing an instrument containing a mortgage, charge or assignment, or an affidavit, expires on a Sunday or other day on which the office of the Provincial Secretary is closed, the filing shall, so far as regards the time of filing, be valid if made on the next following day on which the office is open. Time expiring on holiday.

7. The Provincial Secretary shall cause every instrument containing a mortgage, charge or assignment, and every affidavit filed in his office under this Act to be numbered, to be endorsed with a memorandum of the day, hour and minute of its filing and to be indexed by entering in alphabetical order in a register kept by him the names of the parties to the mortgage, charge or assignment, the date of execution of the instrument containing the same or of the bonds, debentures or debenture stock not secured by separate instrument, as shown by the affidavit filed, and the date of filing and the amount secured as shown by the instrument or by the affidavit. Minutes of registration

8. Subject to the rights of other persons accrued by reason of any omission or mis-statement referred to in this section, a judge of the Supreme Court, on being satisfied that the omission to file an instrument or affidavit within the time prescribed by this Act or any omission or mis-statement in any document filed under this Act was accidental or due to inadvertence or impossibility or other sufficient cause, may, in his discretion, extend the time for registration, or order the omission or mis-statement to be rectified on such terms and conditions, if any, as to security, notice by advertisement or otherwise, or as to any other matter or thing, as he thinks fit to direct. The order or a copy thereof shall be annexed to the instrument or affidavit or document or copy thereof on file or tendered for filing, and appropriate entries shall be made in the register. Rectification of omissions and mis-statements.

9. No defect or irregularity in the execution of an instrument containing a mortgage, charge or assignment, no defect, irregularity or omission in any affidavit, and no error of a clerical nature or in an immaterial or non-essential part shall invalidate or destroy the effect of the mortgage, charge or assignment or the registration thereof, unless in the opinion of the court or judge before whom a question relating thereto is tried, such defect, irregularity, omission or error has actually misled some person whose interests are affected by the mortgage, charge or assignment. Defects and irregularities.

Assignments
and dis-
charges.

10.—(1) An assignment of a mortgage or charge of chattels or of an assignment of book debts within this Act need not, but may, be filed with the Provincial Secretary.

Discharge
and partial
discharge.

(2) A mortgage or charge or assignment of book debts registered under this Act may be discharged in whole or in part by filing with the Provincial Secretary a certificate of discharge signed by the mortgagee, trustee, or assignee, his or its executors, administrators, successors or assigns, and, except in the case of a certificate of discharge executed by a corporation under its corporate seal, the certificate shall be accompanied by the affidavit of an attesting witness of the execution thereof; but in case a mortgage, charge or assignment of book debts has been assigned, no certificate of discharge by an assignee shall be filed until the assignment has been filed.

Discharge
when charge
on face of
securities.

(3) In the case of a mortgage, charge or assignment contained in bonds, debentures or any series thereof, or in debenture stock, not secured by a separate instrument, the Provincial Secretary may, on evidence being given to his satisfaction that the debt for which the mortgage, charge or assignment was given as security has been paid or satisfied, enter a memorandum of discharge in the register, and shall, if required, furnish the corporation with a copy thereof.

Entry of
assignment
or discharge.

(4) The Provincial Secretary shall note the fact of such assignment or discharge against each entry in the books of his office respecting the filing of the instrument or affidavit, and shall make a like notation upon that instrument or upon the affidavit filed under subsection 2 of section 4.

Certificate
of filing.

11.—(1) Upon payment of the prescribed fees the Provincial Secretary shall give a certificate under his hand of the filing of any instrument or affidavit in pursuance of this Act, and of the day and hour of such filing, and a certificate as to prior registrations, if any, of mortgages, charges or assignments created or made by the mortgagor or assignor.

Evidence.

(2) Every certificate furnished by the Provincial Secretary touching any matter dealt with by this Act, shall be received for all purposes as *prima facie* evidence of the facts set out in the certificate; and every copy of a document filed under this Act, certified by the Provincial Secretary, shall be received as *prima facie* evidence for all purposes as if the original document were produced, and also as *prima facie* evidence of the execution of the original document according to the purport of such copy.

Proof not
required of
Provincial
Secretary's
signature.

(3) No proof shall be required of the signature of the

Provincial Secretary in respect of any certificate produced as evidence pursuant to this section.

12. Upon payment of the prescribed fees every person ^{Searches.} shall have access to and be entitled to inspect the books of the Provincial Secretary containing records or entries of mortgages, charges or assignments or documents registered or filed under the provisions of this Act, and no person shall be required as a condition of his right thereto to disclose the name of the person in respect of whom such access or inspection is sought; and the Provincial Secretary shall, upon request, accompanied by payment of the prescribed fees, produce for inspection any mortgage, charge, assignment or document so registered or filed.

13. For service under this Act the Provincial Secretary ^{Fees.} shall be entitled to receive such fees as may be from time to time prescribed by the Lieutenant-Governor in Council.

14. This Act shall apply only to mortgages or charges of ^{Application of Act} chattels or assignments of book debts executed after it comes into force.

15. A mortgage or charge of chattels or an assignment of book debts heretofore made which if the same had been ^{Charges created before passing of Act.} executed after the coming into force of this Act would be within the provisions of this Act and which has heretofore or hereafter been properly registered or filed under any Act respecting the same shall, notwithstanding anything contained in that Act or any other Act of this Legislature, not require to be renewed.

16. *The Bills of Sale and Chattel Mortgages Act* and *The* ^{Rev. Stat., c. 164; 1931, c. 35.} *Assignment of Book Debts Act* shall not apply to any mortgage, charge or assignment the registration of which is provided for in this Act.

17. This Act shall be so interpreted and construed as to ^{Interpretation of Act.} effect its general purpose of making uniform the law of those provinces which enact it.

18. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

BILL

An Act to make Uniform the Law Respecting Registration of Corporation Securities.

1st Reading

March 10th, 1932

2nd Reading

March 14th, 1932

3rd Reading

March 21st, 1932

MR. PRICE

No. 109

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Assignment of Book Debts Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 109

1932

BILL

An Act to amend The Assignment of Book Debts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Assignment of Book Debts Act, 1932*.

1931, c. 35,
s. 3,
amended.

2. Section 3 of *The Assignment of Book Debts Act, 1931*, is amended by striking out the clause lettered *a* in the said section and its subclauses and inserting in lieu thereof the following clause:

Application
of Act.

(a) Any assignment of book debts, whether by way of specific or floating charge, made by a corporation engaged in a trade or business within the Province and contained,—

(i) in a trust deed or other instrument to secure bonds, debentures or debenture stock of the corporation or of any other corporation; or

(ii) in any bonds, debentures, or debenture stock of the corporation as well as in the trust deed or other instrument securing the same, or in a trust deed or other instrument securing bonds, debentures or debenture stock of any other corporation; or

(iii) in any bonds, debentures or debenture stock or any series of bonds or debentures of the corporation not secured by a separate instrument.

1931, c. 35,
s. 5, subs. 1,
cl. c,
repealed.

3. The clause lettered *c* in subsection 1 of section 5 of *The Assignment of Book Debts Act, 1931*, is repealed and the following substituted therefor:

EXPLANATORY NOTES

Section 2. *The Assignment of Book Debts Act* as it stands does not make provision for an assignment of book debts by way of specific or floating charge to protect securities issued by a corporation, nor does it except the debentures of another corporation which will be held by the corporation making a trust mortgage.

The amendment is intended to provide for this and when *The Corporation Securities Registration Act* is passed the two Acts will fit into one another.

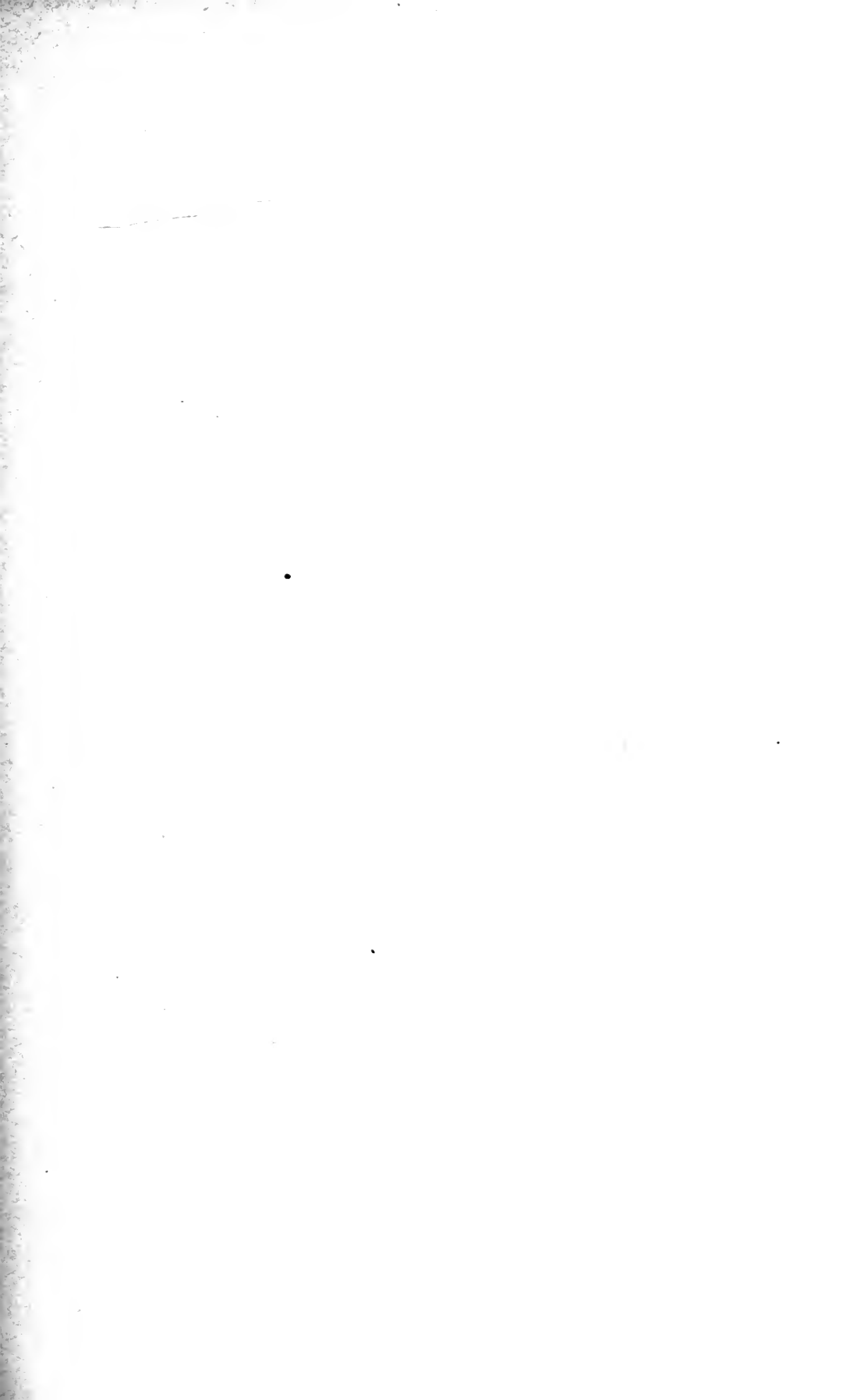
The Corporation Securities Registration Act provides for a central office for the registration of corporate bonds, etc., including assignments of book debts made to secure bonds, etc., while *The Assignment of Book Debts Act*, as amended, provides for registration in various local offices of all other assignments of book debts.

Section 3. This amendment is intended to take care of assignments by certain extra-provincial companies. As the law stands at present they are not provided for.

- (c) Where the assignor is an extra-provincial corporation not having a head office or registered office within Ontario, in the office of the clerk of the county court of the county of York at Toronto.

Commence-
ment of Act.

4. This Act shall come into force on a day to be named by The Lieutenant-Governor by his Proclamation.



BILL

An Act to amend The Assignment of
Book Debts Act.

1st Reading

March 10th, 1932

2nd Reading

3rd Reading

MR. PRICE

No. 109

3RD SESSION, 18TH LEGISLATURE, ONTARIO
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No. 109

1932

BILL

An Act to amend The Assignment of Book Debts Act, 1931.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Assignment of Book Debts Act, 1932*.

1931, c. 35,
s. 3, cl. a,
repealed.

2. Section 3 of *The Assignment of Book Debts Act, 1931*, is amended by striking out the clause lettered *a* in the said section and its subclauses and inserting in lieu thereof the following clause:

Application
of Act.

(a) Any assignment of book debts, whether by way of specific or floating charge, made by a corporation engaged in a trade or business within the Province and contained,—

(i) in a trust deed or other instrument to secure bonds, debentures or debenture stock of the corporation or of any other corporation; or

(ii) in any bonds, debentures, or debenture stock of the corporation as well as in the trust deed or other instrument securing the same, or in a trust deed or other instrument securing bonds, debentures or debenture stock of any other corporation; or

(iii) in any bonds, debentures or debenture stock or any series of bonds or debentures of the corporation not secured by a separate instrument.

1931, c. 35,
s. 5, subs. 1,
cl. c,
repealed.

3. The clause lettered *c* in subsection 1 of section 5 of *The Assignment of Book Debts Act, 1931*, is repealed and the following substituted therefor:

- (c) Where the assignor is an extra-provincial corporation not having a head office or registered office within Ontario, in the office of the clerk of the county court of the county of York at Toronto.

4. *The Assignment of Book Debts Act, 1931*, is amended by ^{1931, c. 35,} adding thereto the following section: ^{amended.}

19a. This Act shall not apply to any instrument registered under *The Corporations Securities Registration Act, 1932*. ^{1932, c. 50,} ^{not} ^{affected.}

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. ^{Commence-} ^{ment of Act.}

BILL

An Act to amend The Assignment of
Book Debts Act.

1st Reading

March 10th, 1932

2nd Reading

March 14th, 1932

3rd Reading

March 22nd, 1932

Mr. PRICE

No. 110

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Workmen's Compensation Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 110

1932

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Workmen's Compensation Act, 1932*.

Rev. Stat.,
c. 179, s. 2,
subs. 1, cl. a,
amended.

2.—(1) The clause lettered *a* in subsection 1 of section 2 of *The Workmen's Compensation Act* is amended by striking out the word "seven" in the second line and inserting in lieu thereof the word "three" so that the clause shall now read as follows:

(a) does not disable the workman for the period of at least three days from earning full wages at the work at which he was employed; or.

Rev. Stat.,
c. 179, s. 2,
subs. 3,
repealed.

(2) Subsection 3 of the said section 2 is repealed and the following substituted therefor:

Compensation to
date from
disability.

(3) Where compensation for disability is payable it shall be computed and be payable on and from the fourth day after the accident.

Rev. Stat.,
c. 179, s. 49,
subs. 1,
amended.

3.—(1) Subsection 1 of section 49 of *The Workmen's Compensation Act* is amended by striking out the word "seven" in the third line and inserting in lieu thereof the word "three," by striking out the words "medical and surgical" in the third and fourth lines and inserting in lieu thereof the words "medical, surgical and dental" and by inserting after the word "apparatus" in the sixth line the words "and dental appliances and apparatus," so that the subsection shall now read as follows:

Medical,
surgical and
dental aid.

(1) Every workman entitled to compensation under this Part, or who would have been so entitled had he been disabled for three days shall be entitled to such

EXPLANATORY NOTES

Section 2. Under *The Workmen's Compensation Act* as it stands at present no compensation is payable until seven days after the accident or injury. Upon the recommendation of the Commissioners appointed to inquire into the working of the Act what is known as the "waiting time" is cut down to three days but no compensation is payable for these three days, that being the minimum time for a proper investigation of the claim.

Section 3.—(1) This amendment is inserted to enable an injured workman to receive, in addition to medical and surgical aid, any dental treatment which may be rendered necessary by the accident.

medical, surgical and dental aid and hospital and skilled nursing services as may be necessary as a result of the injury, and shall be entitled to such artificial member or members and apparatus and dental appliances and apparatus as may be necessary as a result of the injury and to have the same kept in repair for a period of one year.

Rev. Stat.,
c. 179, s. 49,
subs. 2,
amended.

(2) Subsection 2 of section 49 of *The Workmen's Compensation Act* is amended by striking out the words "medical and surgical" in the first and second lines and inserting in lieu thereof the words "medical, surgical and dental," so that the subsection shall now read as follows:

"Medical
aid."

(2) In this Act "medical aid" shall mean the medical, surgical and dental aid and hospital and skilled nursing services and artificial member or members and apparatus and repair above mentioned.

Rev. Stat.,
c. 179, s. 83,
amended.

4. Section 83 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection:

Merit
System

(6) Where in the opinion of the Board the ways, works machinery and appliances in any industry conform to modern standards in such manner as to reduce the hazard of accidents to a minimum and the Board is convinced that all proper precautions are being taken by the employer for the prevention of accidents, the Board may reduce the amount of any contribution to the accident fund for which the employer is liable and the Board may at any time adopt a merit system with regard to any particular industry, classifying the employer according to the extent to which, in the opinion of the Board, the precautions taken for the prevention of accidents are modern, adequate and efficient.

Rev. Stat.,
c. 179,
amended.

5. *The Workmen's Compensation Act* is amended by adding thereto the following section:

Injury
to minor.

83a. Where the Board finds that an employer has employed a minor in violation of the law and a claim for injury to such minor is made, such unlawful employment shall not affect or prejudice the right of the claimant but the Board may exclude the industry from the class in which it is included and if it is so excluded the employer shall be individually liable to pay the compensation to which the minor or any dependent of such minor is entitled.

(2) This includes dental treatment in the term "medical aid."

Section 4. Under section 83 as it stands at present the Board has authority to assess any industry for an additional percentage where it finds that accidents have occurred which might not have occurred if proper precautions had been taken or the plant had been in proper shape. The new subsection is intended to allow a system of merit rating. Subsection 3 of section 96 of *The Workmen's Compensation Act* repealed by section 6 of the Bill, provides for a system of merit rating but is considered unsatisfactory. The repealed subsection merely provides:

"A system of merit rating may, if deemed proper, be adopted."

Section 5. This is intended to deal with the case of injury to persons unlawfully employed in factories, etc.

Rev. Stat.,
c. 179, s. 96,
subs. 3,
repealed.

6. Subsection 3 of section 96 of *The Workmen's Compensation Act* is repealed.

Rev. Stat.,
c. 179,
Sched. 1,
amended.

7. Schedule 1 of *The Workmen's Compensation Act* is amended by adding thereto the following classes:

Class 10a. Heating plants in hotels and public buildings.

Class 10b. Kitchens and other places where chefs, caterers and waiters are employed in the catering industry, and employees in cheese factories, dairies and garages.

Rev. Stat.,
c. 179,
Sched. 3,
amended.

8. Schedule 3 to *The Workmen's Compensation Act* as amended by section 2 of *The Workmen's Compensation Act, 1931*, is further amended by adding thereto the following:

Bursitis.	Any process involving continuous rubbing, pressure or vibration of the parts affected.
Cancer.	Arising from the manufacture of pitch and tar.
Dermatitis (<i>venenata</i>).	Any process involving the use or direct contact with acids and alkalies or acids and oils capable of causing dermatitis (<i>venenata</i>).
Infected blisters.	Any process involving continuous friction, rubbing or vibration causing blisters or abrasions.

Commence-
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 6. See note to section 4.

Section 7. This adds the industries named to the schedule which defines the employers who are to contribute to the accident fund.

Section 8. This section adds certain diseases to the list of industrial diseases now contained in Schedule 3 of *The Workmen's Compensation Act*. "Bursitis" is a disease of the joints caused by kneeling or otherwise bringing the knee or elbow in constant contact with the floor, e.g., "housemaid's knee." "Dermatitis" is caused by the closing of the pores of the skin. Infected blisters are usually caused from the neglect of blisters caused by the unaccustomed use of certain tools.

BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 14th, 1932

2nd Reading

3rd Reading

MR. PRICE

No. 110

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Workmen's Compensation Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 110

1932

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Workmen's Compensation Act, 1932*.

Rev. Stat.,
c. 179, s. 49,
subs. 1,
amended.

2.—(1) Subsection 1 of section 49 of *The Workmen's Compensation Act* is amended by striking out the words "medical and surgical" in the third and fourth lines and inserting in lieu thereof the words "medical, surgical and dental" and by inserting after the word "apparatus" in the sixth line the words "and dental appliances and apparatus," so that the subsection shall now read as follows:

Medical,
surgical and
dental aid.

(1) Every workman entitled to compensation under this Part, or who would have been so entitled had he been disabled for seven days shall be entitled to such medical, surgical and dental aid and hospital and skilled nursing services as may be necessary as a result of the injury, and shall be entitled to such artificial member or members and apparatus and dental appliances and apparatus as may be necessary as a result of the injury and to have the same kept in repair for a period of one year.

Rev. Stat.,
c. 179, s. 49,
subs. 2,
amended.

(2) Subsection 2 of the said section 49 is amended by striking out the words "medical and surgical" in the first and second lines and inserting in lieu thereof the words "medical, surgical and dental" so that the subsection shall now read as follows;

"Medical
aid."

(2) In this act "medical aid" shall mean the medical, surgical and dental aid and hospital and skilled nursing services and the artificial member or members and apparatus and repair above mentioned.

3. Section 66 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: Rev. Stat., c. 179, s. 66, amended.

- (3) The Board, with the approval of the Lieutenant-Governor in Council, may establish and maintain a fund, or enter into arrangements with a duly licensed insurance company or insurance companies for the payment of superannuation allowances or allowances upon the death or disability of its employees, and may make regulations providing for contributions to the fund by the Board and by its employees, and for the terms and conditions upon which any superannuation or other allowance shall be payable and the persons to whom the same may be paid and the costs of maintaining and administering the same shall be deemed part of the cost of the administration of the Board and shall be chargeable to the accident fund. Super-annuation Fund.

4. Section 76 of *The Workmen's Compensation Act* is amended by striking out the words "once in each year and oftener if so required" in the second and third lines and inserting in lieu thereof the words "whenever required," so that the section shall now read as follows: Rev. Stat., c. 179, s. 76, amended.

76. The Superintendent of Insurance or an officer of his Department named by him for that purpose shall whenever required by the Lieutenant-Governor in Council examine into the affairs and business of the Board for the purpose of determining as to the sufficiency of the accident fund and shall report thereon to the Lieutenant-Governor in Council. Examination of accident fund by Insurance Department.

5. Section 83 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: Rev. Stat., c. 179, s. 83, amended.

- (6) Where in the opinion of the Board the ways, works, machinery and appliances in any industry conform to modern standards in such manner as to reduce the hazard of accidents to a minimum and the Board is convinced that all proper precautions are being taken by the employer for the prevention of accidents, the Board may reduce the amount of any contribution to the accident fund for which the employer is liable and the Board may at any time adopt a merit system with regard to any particular industry, classifying the employer according to the extent to which, in the opinion of the Board, the precautions taken for the prevention of accidents are modern, adequate and efficient. Merit System.

Rev. Stat.,
c. 179,
amended.

6. *The Workmen's Compensation Act* is amended by adding thereto the following section:

Injury
to minor.

83a. Where the Board finds that an employer has employed a minor in violation of the law and a claim for injury to such minor is made, such unlawful employment shall not affect or prejudice the right of the claimant but the Board may exclude the industry from the class in which it is included and if it is so excluded the employer shall be individually liable to pay the compensation to which the minor or any dependent of such minor is entitled.

Rev. Stat.,
c. 179, s. 96,
subs. 3,
repealed.

7. Subsection 3 of section 96 of *The Workmen's Compensation Act* is repealed.

Rev. Stat.,
c. 179, s. 105,
subs. 1,
amended.

8. Subsection 1 of section 105 of *The Workmen's Compensation Act* is amended by inserting after the word "compensation" in the ninth line the words "and medical aid," so that the subsection shall now read as follows:

Failure
to make
return or pay
assessment.

(1) Any employer who refuses or neglects to make or transmit any pay roll, return or other statement required to be furnished by him under the provisions of section 88 or 108, or who refuses or neglects to pay any assessment or special or supplementary assessment or the provisional amount of any assessment, or any instalment or part thereof, shall in addition to any penalty or other liability to which he may be subject, pay to the Board the full amount or capitalized value, as determined by the Board, of the compensation and medical aid payable in respect of any accident to a workman in his employ which happens during the period of such default and the payment of such amount may be enforced in the same manner as the payment of an assessment may be enforced.

Rev. Stat.,
c. 179, s. 112,
subs. 3,
amended.

9. Subsection 3 of section 112 of *The Workmen's Compensation Act* is amended by inserting after the word "compensation" in the fourth line the words "and medical aid," so that the subsection shall now read as follows:

Default in
reporting
accident
or claim.

(3) Every employer who makes default in reporting or furnishing particulars of any accident or claim shall in addition to any other penalty or liability pay to the Board, if so ordered by the Board, the amount of compensation and medical aid awarded in respect of such accident or claim in accordance with the evidence or information otherwise obtained by the Board.

10. Schedule 3 to *The Workmen's Compensation Act* as amended by section 2 of *The Workmen's Compensation Act, 1931*, is further amended by adding thereto the following: Rev. Stat.,
c. 179,
Sched. 3,
amended.

Bursitis.	Any process involving continuous rubbing, pressure or vibration of the parts affected.
Cancer.	Arising from the manufacture of pitch and tar.
Dermatitis (<i>venenata</i>).	Any process involving the use or direct contact with acids and alkalies or acids and oils capable of causing dermatitis (<i>venenata</i>).
Infected blisters.	Any process involving continuous friction, rubbing or vibration causing blisters or abrasions.

11. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 14th, 1932

2nd Reading

March 21st, 1932

3rd Reading

March 25th, 1932

MR. PRICE

No. 111

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting Live Stock and Live Stock Products.

MR. KENNEDY (Peel)

No. 111

1932

BILL

An Act respecting Live Stock and Live Stock Products.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Live Stock and Live Stock Products Act, 1932*.

Dom. Stat.,
1927, c. 120,
and amend-
ments to
have force of
law in
Ontario.

2. The provisions of *The Live Stock and Live Stock Products Act*, enacted by the Parliament of Canada and amendments thereto so far as any of them are within the legislative competence of this Legislature shall have the force of law in the Province of Ontario as if enacted by this Legislature and unless and until otherwise enacted by this Legislature shall remain in full force and effect in this Province.

Dominion
amendments
and regu-
lations to
come into
force upon
Proclama-
tion.

3. The Lieutenant-Governor in Council may by Proclamation declare any amendment hereafter made to the said Act, and any regulations heretofore or hereafter made under the said Act or amendments thereto so far as any of them are within the legislative competence of this Legislature, to have the force of law in the Province of Ontario as if enacted by this Legislature, and unless and until otherwise enacted by this Legislature such amendment or regulations as are so proclaimed shall remain in full force and effect in this Province.

Saving of
provincial
legislative
jurisdiction.

4. Nothing in this Act contained, shall be deemed to be or construed as an admission or a declaration by this Legislature that any of the provisions of the said Act, the amendments thereto, or regulations made thereunder are within the legislative competence of the Parliament of Canada nor be deemed to be an undertaking or agreement by this Legislature to maintain any of the provisions thereof in force in Ontario, and this Legislature shall be entitled at any time hereafter to enact legislation within its legislative competence upon any subject matter dealt with therein.

EXPLANATORY NOTES

Section 2. There is some doubt as to what provisions of the Dominion *Live Stock and Live Stock Products Act* are within the competence of the Dominion Parliament. The object of the Bill is to remove any such doubt as far as possible with regard to Ontario.

Section 3 provides for the adoption of the amendments made by the Dominion Parliament where these are within the competence of the Legislature.

Section 4 preserves the rights of the Province as to present and future enactments.

Rev. Stat.,
c. 306,
repealed.

5. *The Live Stock and Products Act*, being chapter 306 of the Revised Statutes of Ontario, 1927, is hereby repealed.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 5, *The Live Stock and Products Act*, R.S.O., chapter 306, was enacted in 1927 and contains similar provisions to those in the Bill but for technical reasons and in order to avoid as much as possible any question of the constitutionality of the provincial legislation it is proposed to repeal the revised statute and re-enact it in the improved form.

BILL
An Act respecting Live Stock and
Live Stock Products.

1st Reading

March 14th, 1932

2nd Reading

3rd Reading

MR. KENNEDY (Peel)

No. 111

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting Live Stock and Live Stock Products.

MR. KENNEDY (Peel)

BILL

An Act respecting Live Stock and Live Stock Products.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Live Stock and Products Act, 1932*.

Dom. Stat., 1927, c. 120 and amendments to have force of law in Ontario. 2. The provisions of *The Live Stock and Live Stock Products Act*, enacted by the Parliament of Canada and amendments thereto so far as any of them are within the legislative competence of this Legislature shall have the force of law in the Province of Ontario as if enacted by this Legislature and unless and until otherwise enacted by this Legislature shall remain in full force and effect in this Province.

Dominion amendments and regulations to come into force upon Proclamation. 3. The Lieutenant-Governor in Council may by Proclamation declare any amendment hereafter made to the said Act, and any regulations heretofore or hereafter made under the said Act or amendments thereto so far as any of them are within the legislative competence of this Legislature, to have the force of law in the Province of Ontario as if enacted by this Legislature, and unless and until otherwise enacted by this Legislature such amendment or regulations as are so proclaimed shall remain in full force and effect in this Province.

Saving of provincial legislative jurisdiction. 4. Nothing in this Act contained, shall be deemed to be or construed as an admission or a declaration by this Legislature that any of the provisions of the said Act, the amendments thereto, or regulations made thereunder are within the legislative competence of the Parliament of Canada nor be deemed to be an undertaking or agreement by this Legislature to maintain any of the provisions thereof in force in Ontario, and this Legislature shall be entitled at any time hereafter to enact legislation within its legislative competence upon any subject matter dealt with therein.

Rev. Stat., c. 306, repealed. 5. *The Live Stock and Products Act*, being chapter 306 of the Revised Statutes of Ontario, 1927, is repealed.

Commencement of Act. 6. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL
An Act respecting Live Stock and
Live Stock Products.

1st Reading

March 14th, 1932

2nd Reading

March 21st, 1932

3rd Reading

March 25th, 1932

MR. KENNEDY (Peel)

No. 112

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Insurance Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 112

1932

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Insurance Act, 1932*.

Rev. Stat.,
c. 222, s. 1,
pars. 5, 6,
repealed.

2. Paragraph 5, as amended by subsection 1 of section 2 of *The Insurance Act, 1929*, and paragraph 6 of section 1 of *The Insurance Act* are repealed and the following substituted therefor:

"Auto-
mobile."

(5) "Automobile" includes all self-propelled vehicles, their trailers, accessories and equipment but not railway rolling stock, watercraft or aircraft of any kind.

"Automobile
insurance."

(6) "Automobile insurance" means insurance against liability for loss or damage to persons or property caused by an automobile or the use or operation thereof, and against loss of or damage to an automobile.

Rev. Stat.,
c. 222, s. 70,
subs. 1,
amended.

3. Subsection 1 of section 70 of *The Insurance Act* is amended by adding at the commencement thereof the following words: "Subject to the provisions of section 237a."

Rev. Stat.,
c. 222, s. 96,
repealed.

4. Section 96 of *The Insurance Act* is repealed and the following substituted therefor:

Term of
contract.

96. No contract shall be made for a term exceeding three years, but any contract may be renewed by the delivery of a renewal receipt or a new premium note.

Rev. Stat.,
c. 222, s. 106,
subs. 4,
amended.

5. Subsection 4 of section 106 of *The Insurance Act* is amended by striking out the words "the third year or second and third years as the case may be of" in the sixth and seventh lines, and by adding at the end thereof the words "calculated as required by subsection 5 of section 70."

EXPLANATORY NOTES

Section 2. These definitions are changed to be uniform with the definitions in Part VI respecting automobile insurance (see Bill No. 78).

Section 3. This amendment and the one proposed by section 6 of the Bill, are proposed to enable the Grand Lodge of Ontario, I.O.O.F., a licensed mutual benefit society, to prepare and file its annual statement showing its affairs as at the 30th day of September instead of the 31st day of December next preceding.

Section 4. The effect of this amendment is to remove the restriction of one year presently imposed upon the term of fire insurance policies insuring mercantile and manufacturing risks. It is sought by the Canadian Manufacturers' Association and recommended by the Superintendents of Insurance of the Provinces of Canada. The same amendment is being proposed in other provinces where the restriction exists.

Section 5. This amendment is necessary to make the provision correspond with subsection 5 of section 70 as amended by section 6 of *The Insurance Act, 1931*.

Rev. Stat.,
c. 222
amended.

6. *The Insurance Act* is amended by adding thereto the following section:

Exception as
to annual
statement.

237a. Where the constitution, by-laws or rules of a mutual benefit society which grants benefits solely through subordinate lodges or branches provide for a fiscal year other than the calendar year, the Superintendent may, in his discretion, accept statements from such a society showing its affairs as at the end of its fiscal year instead of as at the end of the calendar year.

Rev. Stat.,
c. 222, s. 256,
subs. 15,
amended.

7.—(1) Subsection 15 of section 256 of *The Insurance Act* is amended by adding at the end thereof the words: “and further provided that in the case of insurers authorized to undertake classes of insurance other than life insurance, officers or employees whose applications for license as insurance agents have been refused or whose licenses have been revoked or suspended, may not so act without the written approval of the Superintendent.”

Rev. Stat.,
c. 222, s. 256,
subs. 15a,
amended.

(2) Subsection 15a of the said section 256 aa enacted by subsection 2 of section 10 of *The Insurance Act, 1930*, is amended by striking out the word “railway” in the second line and inserting in lieu thereof the word “transportation” and by striking out the word “railway” in the third line.

Rev. Stat.,
c. 222, s. 265,
subs. 2,
amended.

8. Subsection 2 of section 265 of *The Insurance Act* is amended by adding at the end thereof the words: “or in the placing of insurance for one person, firm, corporation, estate or family.”

Rev. Stat.,
c. 222, s. 267,
amended.

9. Section 267 of *The Insurance Act* is amended by adding at the end thereof the words “and that he has been guilty of an offence.”

Application
of section 85.

10. Notwithstanding the repeal of section 85 of *The Insurance Act* by virtue of section 6 and subsection 2 of section 13 of *The Insurance Act, 1930*, section 85 shall be deemed to be in force and apply to all rights of action arising out of injury or damage occurring prior to the 1st day of September, 1930.

Commence-
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 6. See note to section 3.

Section 7.—(1) This amendment is proposed to strengthen the regulations respecting insurance agents and to enable the Superintendent to prohibit an agent who has lost his license or a person who has been refused a license, from working for a company or agent as a salaried employee without his permission.

(2) This amendment is proposed to permit the issue of special licenses to steamship and aircraft ticket agents as well as railway ticket agents for the writing of accident insurance.

Section 8. This amendment is proposed to enable the Superintendent to refuse an insurance agent's license to a corporation, *e.g.*, formed for the purpose of placing the insurance of some estate or for the purpose of placing the insurance of an automobile or other finance or acceptance corporation and thereby securing what amounts to a rebate of premium.

Section 9. Section 267 declares that an agent shall be deemed to hold premiums collected by him in trust for his company and that if he fails to pay over to his company within fifteen days such premiums, his failure shall be *prima facie* evidence that he has used or applied the said premiums for a purpose other than paying the same over to the company. The purpose of the amendment is to provide that such failure shall also be evidence that the agent has been guilty of an offence and as such subject to the penalties of section 77.

Section 10. Section 85 as it appears in chapter 222 of the Revised Statutes, 1927, relates to the rights of claimants against insurers where execution against insured returned unsatisfied. By chapter 41 of the Statutes of 1930 (section 6) it was repealed as of the 1st day of September, 1930, (section 13) because it was no longer necessary in view of the provisions of subsection (4) of section 87 of *The Highway Traffic Act* as enacted by chapter 47 of the Statutes of the same year. The new provision (section 87 of *The Highway Traffic Act*), however, only applies to accidents occurring after 1st September, 1930. It thus developed that, in respect of accidents occurring prior to 1st September, 1930, there was no right of action against the insurer after that date either under the old section 85 of *The Insurance Act* or the new section 87 of *The Highway Traffic Act*. This section is intended to cure this defect.

BILL

An Act to amend The Insurance Act.

1st Reading

March 15th, 1932

2nd Reading

3rd Reading

MR. PRICE

No. 112

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Insurance Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
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No. 112

1932

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Insurance Act, 1932*.

Rev. Stat.,
c. 222, s. 1,
pars. 5, 6,
repealed.

2. Paragraph 5, as amended by subsection 1 of section 2 of *The Insurance Act, 1929*, and paragraph 6 of section 1 of *The Insurance Act* are repealed and the following substituted therefor:

"Auto-
mobile."

5. "Automobile" includes all self-propelled vehicles, their trailers, accessories and equipment but not railway rolling stock, watercraft or aircraft of any kind.

"Automobile
insurance."

6. "Automobile insurance" means insurance against liability for loss or damage to persons or property caused by an automobile or the use or operation thereof, and against loss of or damage to an automobile.

Rev. Stat.,
c. 222, s. 70,
subs. 1,
amended.

3. Subsection 1 of section 70 of *The Insurance Act* is amended by adding at the commencement thereof the following words: "Subject to the provisions of section 237a."

Rev. Stat.,
c. 222, s. 106,
subs. 4,
amended.

4. Subsection 4 of section 106 of *The Insurance Act* is amended by striking out the words "the third year or second and third years as the case may be of" in the sixth and seventh lines, and by adding at the end thereof the words "calculated as required by subsection 5 of section 70."

5. *The Insurance Act* is amended by adding thereto the following section: Rev. Stat.,
c. 222,
amended.

237a. Where the constitution, by-laws or rules of a mutual benefit society which grants benefits solely through subordinate lodges or branches provide for a fiscal year other than the calendar year, the Superintendent may, in his discretion, accept statements from such a society showing its affairs as at the end of its fiscal year instead of as at the end of the calendar year. Exception as
to annual
statement.

6. Section 254 of *The Insurance Act* is amended by striking out the words "one and one-third" in the third line and inserting in lieu thereof the word "two," so that the section shall now read as follows: Rev. Stat.,
c. 222,
s. 254
amended.

254. The attorney shall, on or before the 1st day of March in each year, pay to the Treasurer of Ontario for the use of the Province, an annual tax equal to two per centum of the gross premiums or deposits collected from subscribers in respect of risks located in Ontario during the preceding calendar year after deducting returns for cancellations, considerations for re-insurances with licensed insurers and all amounts returned to subscribers or credited to their accounts as savings during such year. Annual tax.

7.—(1) Subsection 15 of section 256 of *The Insurance Act* is amended by adding at the end thereof the words: "and further provided that in the case of insurers authorized to undertake classes of insurance other than life insurance, officers or employees whose applications for license as insurance agents have been refused or whose licenses have been revoked or suspended, may not so act without the written approval of the Superintendent." Rev. Stat.,
c. 222, s. 256,
subs. 15,
amended.

(2) Subsection 15a of the said section 256 as enacted by subsection 2 of section 10 of *The Insurance Act, 1930*, is amended by striking out the word "railway" in the second line and inserting in lieu thereof the word "transportation" and by striking out the word "railway" in the third line. Rev. Stat.,
c. 222, s. 256,
subs. 15a,
(1930, c. 41,
s. 10, subs. 2)
amended.

8. Subsection 2 of section 265 of *The Insurance Act* is amended by adding at the end thereof the words: "or in the placing of insurance for one person, firm, corporation, estate or family." Rev. Stat.,
c. 222, s. 265,
subs. 2,
amended.

9. Section 267 of *The Insurance Act* is amended by adding at the end thereof the words "and that he has been guilty of an offence." Rev. Stat.,
c. 222, s. 267,
amended.

Application
of section 85.

10. Notwithstanding the repeal of section 85 of *The Insurance Act* by virtue of section 6 and subsection 2 of section 13 of *The Insurance Act, 1930*, section 85 shall be deemed to be in force and apply to all rights of action arising out of injury or damage occurring prior to the 1st day of September, 1930.

Commence-
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Insurance Act.

1st Reading

March 15th, 1932

2nd Reading

March 21st, 1932

3rd Reading

March 24th, 1932

MR. PRICE

No. 113

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to assist Co-operative Associations in Marketing
Agricultural Products.

MR. KENNEDY (Peel)

BILL

An Act to assist Co-operative Associations in Marketing Agricultural Products.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Co-operative Marketing Loan Act, 1932*.

Interpre-
tation. **2.** In this Act,—

“Co-
operative
association.” (a) “Co-operative association” shall mean any co-operative corporation of producers incorporated under Part XII of *The Companies Act* for the purpose of grading, cleaning, packing, storing or marketing agricultural products;

“Minister.” (b) “Minister” shall mean Minister of Agriculture;

“Regu-
lations.” (c) “Regulations” shall mean regulations made under the authority of this Act.

Extension of
provisions
of Act. **3.**—(1) The provisions of this Act may be extended by the Lieutenant-Governor in Council to associations other than co-operative associations incorporated under *The Companies Act*, if the majority of the shares of capital stock thereof are owned by producers of agricultural products.

Conditions
of loan. (2) No loan shall be made to any association mentioned in subsection 1 unless a contract is entered into by such association with the Minister according to the form prescribed by the regulations and providing for such limitations and conditions as will ensure control of the management and operation of the association remaining vested in producers until the loan is fully repaid.

Application
of provisions
of Act. (3) When a loan is made to an association mentioned in subsection 1 the provisions of this Act relating to co-operative associations shall, *mutatis mutandis*, apply.

EXPLANATORY NOTES

GENERAL.—The existing *Co-operative Marketing Loan Act*, chapter 75 of the Revised Statutes of 1927, was originally passed in 1920, but has been of little practical use as it was limited strictly to loans to producers' co-operatives for the marketing, cleaning and storing of seed and potatoes.

With the growing demand for and increasing development in the grading, storing and marketing of agricultural products of various kinds, a field has been opened which the Department can encourage by making loans to producers' co-operatives to enable them to get established and the whole Act has therefore been revised to extend its scope.

Section 3. Certain farmers associations are not incorporated as "co-operatives" and under proper control the provisions of this Act should be made available to such associations.

Limitation
as to loan.

4. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make loans to co-operative associations to assist in carrying out their objects to the following extent, namely:

- (a) in the case of a co-operative association other than a cold storage association, to an amount not exceeding \$2,500;
- (b) in the case of a co-operative cold storage association, to an amount not exceeding \$30,000.

Extent of
loan.

5.—(1) A loan under this Act shall not exceed the following:

- (a) in the case of a co-operative cold storage association, not more than thirty per centum of the approved value of the property upon which the loan is to be made, where the association has received or is receiving aid from the Dominion of Canada, and in other cases not more than fifty per centum of such value;
- (b) in the case of a co-operative association other than a cold storage association, not more than fifty per centum of the approved value of the property upon which the loan is to be made.

Rate of
interest.

(2) Subject to the regulations, the rate of interest payable upon any loan made under this Act shall be as provided for in the contract relating thereto.

Repayment
of loan.

(3) A loan may be repaid at any time at the option of the co-operative association, but repayment of principal thereof shall be commenced not more than three years from the date of the loan and so that at least fifty per centum shall be repaid at the end of five years from such date and so that the whole of the loan shall be repaid at the end of ten years from such date, and every contract shall make the necessary provisions to ensure such repayment.

Loan to be
made on a
contract.

6. Every loan shall be made on a contract between the association and the Minister and according to a form prescribed by the regulations.

Loan to be
secured
by first
mortgage.

7.—(1) Every loan shall be secured by a first mortgage to the Agricultural Development Board upon the real and personal property of the co-operative association in accordance with the provisions of *The Bills of Sale and Chattel Mortgages Act* and *The Short Forms of Mortgages Act*, and such mortgage shall have priority over all liens and encumbrances except municipal taxes.

Rev. Stat.,
cc. 164, 145.

Sections 4, 5, 6. The basis for making loans is to be upon the approved value of the property of the co-operative with a loaning power up to fifty per centum of value except in the case of a cold storage plant and in this case up to thirty per centum of value, the maximum loan in the first mentioned case to be \$2,500 and in the second case \$30,000. Where a cold storage co-operative obtains a Dominion grant up to thirty per centum then the loan is to be limited to not more than thirty per centum of value. The arrangements as to repayment of the loan and the rate of interest are to be set forth in the contract and provision is made to have the principal of the loan retired over a period of ten years.

Section 7. It is intended to place the administration of the loans when made in the hands of the Agricultural Development Board which has the necessary powers and machinery for that purpose. The loan is to be secured by a first mortgage which shall have priority except over taxes.

Rev. Stat., c. 68, ss. 16, 17 to apply. (2) Sections 16 and 17 of *The Agricultural Development Act* shall apply to any real or chattel mortgage made under this Act.

Minister's report to Assembly. **8.** The Minister shall lay before the Assembly at each session a report of all loans made under the authority of this Act and the regulations.

Report of co-operative association. **9.** Every co-operative association to which an undischarged loan has been made shall make such annual or other reports, returns and statements to the Minister as the regulations may prescribe.

Notice of annual meeting. **10.** Every co-operative association to which an undischarged loan has been made shall by written notice advise the Minister of the time and place for each annual meeting and the Minister or his representative shall have the privilege of attending all meetings.

Minister may call meeting. **11.** The Minister may, if in his opinion it is necessary, by notice to the secretary, call a meeting of the members or shareholders of any co-operative association to which an undischarged loan has been made to inquire into its affairs at such time and place as he may specify in the notice.

Inspection of books. **12.—(1)** The Minister may appoint some person to inspect the books, accounts and property of any co-operative association to which an undischarged loan has been made and may empower such person to summon witnesses and enforce the production of documents before him and take evidence upon oath with regard to such inspection, and all officers of any such association whenever required so to do shall submit the books and accounts thereof to such inspection and shall truly and to the best of their knowledge answer all questions put to them in relation thereto or to the funds and management of such association.

Alterations and repairs. (2) The Minister may order such alterations or repairs to be made to the property of any co-operative association for the purpose of better securing a loan made under this Act.

Default in performance or breach of provisions. **13.** If a co-operative association to which a loan has been made makes any default in the performance of the terms of the contract entered into with the Minister or otherwise commits a breach of any of the provisions of this Act, or in the opinion of the Minister, fails or ceases to carry out its objects, the Minister may without resort to proceedings in equity or law rescind the contract and authorize the Agricultural Development Board without notice to exercise any and all of its powers of sale as mortgagee as in the case of default on the part of a mortgagor notwithstanding that no actual

Section 8. Self explanatory.

Sections 9, 10, 11, 12. The provisions of these sections are similar to those contained in the Act to be repealed and give the Minister power to make inquiries and have his representatives attend meetings when circumstances so warrant with a view to encouraging the co-operative which is experiencing difficulty and for the purpose of protecting loans made by the Province.

Section 13. This section is similar to section 14 of the present Act and is necessary in case of default in the repayment of a loan or in the carrying out of the provisions of the Act where a co-operative fails.

The objectionable feature of subsection 2 of the present section 14 which vested the property of the co-operative in the Crown on default has been eliminated.

default in payment of principal or interest under the mortgage may have occurred.

Regulations. **14.** The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,—

- (a) prescribing the form and manner of making application and a contract for a loan and the manner in which each application shall be dealt with;
- (b) prescribing the rates of interest to be payable upon loans made under this Act;
- (c) providing for inspection and valuation of the property upon which the loan is to be secured;
- (d) respecting inquiries to be made and information to be furnished with respect to the object of the loan before making the loan;
- (e) with respect to any other matter regarding which the Minister deems regulations necessary for the execution of the purposes of this Act.

Powers of Minister. **15.** The Minister may decide all matters of doubt or dispute arising under this Act and his decision shall be final except that an appeal therefrom may be made to the Lieutenant-Governor in Council.

Loans made during 1931. **16.** The provisions of this Act shall apply to any loans made to co-operative associations during the year 1931 as if such loans had been made immediately after this Act came into force.

Rev. Stat., c. 75, repealed. **17.** *The Co-operative Marketing Loan Act*, being chapter 75 of the Revised Statutes of Ontario, 1927, is repealed.

Commencement of Act. **18.** This Act shall come into force on the day upon which it receives the Royal Assent.

Section 14. Self explanatory.

Section 15. This is the same as section 15 of the present Act.

Section 16. The purpose of this section is to bring within the Act some five loans which have been made in recent months in anticipation of the scope of the present Act being extended.

BILL

An Act to assist Co-operative Associations
in Marketing Agricultural Products.

1st Reading

March 15th, 1932

2nd Reading

3rd Reading

MR. KENNEDY (Peel)

No. 113

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to assist Co-operative Associations in Marketing
Agricultural Products.

Mr. KENNEDY (Peel)

No. 113

1932

BILL

An Act to assist Co-operative Associations in Marketing Agricultural Products.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Co-operative Marketing Loan Act, 1932*.

Interpre- **2.** In this Act,—
tation.

“Co- (a) “Co-operative association” shall mean any co-opera-
operative tive corporation of producers incorporated under
association.” Part XII of *The Companies Act* for the purpose of
grading, cleaning, packing, storing or marketing
Rev. Stat., agricultural products;
c. 218.

“Minister.” (b) “Minister” shall mean Minister of Agriculture;

“Regu- (c) “Regulations” shall mean regulations made under
lations.” the authority of this Act.

Extension of **3.**—(1) The provisions of this Act may be extended by the
provisions Lieutenant-Governor in Council to associations other than
of Act. co-operative associations incorporated under *The Companies Act*, if the majority of the shares of capital stock thereof are owned by producers of agricultural products.

Conditions (2) No loan shall be made to any association mentioned in
of loan. subsection 1 unless a contract is entered into by such association with the Minister according to the form prescribed by the regulations and providing for such limitations and conditions as will ensure control of the management and operation of the association remaining vested in producers until the loan is fully repaid.

Application (3) When a loan is made to an association mentioned in
of provisions subsection 1 the provisions of this Act relating to co-operative
of Act. associations shall, *mutatis mutandis*, apply.

4. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make loans to co-operative associations to assist in carrying out their objects to the following extent, namely:

- (a) in the case of a co-operative association other than a cold storage association, to an amount not exceeding \$2,500;
- (b) in the case of a co-operative cold storage association, to an amount not exceeding \$30,000.

5.—(1) A loan under this Act shall not exceed the following: Extent of loan.

- (a) in the case of a co-operative cold storage association, not more than thirty per centum of the approved value of the property upon which the loan is to be made, where the association has received or is receiving aid from the Dominion of Canada, and in other cases not more than fifty per centum of such value;
- (b) in the case of a co-operative association other than a cold storage association, not more than fifty per centum of the approved value of the property upon which the loan is to be made.

(2) Subject to the regulations, the rate of interest payable upon any loan made under this Act shall be as provided for in the contract relating thereto. Rate of interest.

(3) A loan may be repaid at any time at the option of the co-operative association, but repayment of principal thereof shall be commenced not more than three years from the date of the loan and so that at least fifty per centum shall be repaid at the end of five years from such date and so that the whole of the loan shall be repaid at the end of ten years from such date, and every contract shall make the necessary provisions to ensure such repayment. Repayment of loan.

6. Every loan shall be made on a contract between the association and the Minister and according to a form prescribed by the regulations. Loan to be made on a contract.

7.—(1) Every loan shall be secured by a first mortgage to the Agricultural Development Board upon the real and personal property of the co-operative association in accordance with the provisions of *The Bills of Sale and Chattel Mortgages Act* and *The Short Forms of Mortgages Act*, and such mortgage shall have priority over all liens and encumbrances except municipal taxes. Loan to be secured by first mortgage. Rev. Stat., c. 164, 145.

Rev. Stat., c. 68, ss. 16, 17 to apply. (2) Sections 16 and 17 of *The Agricultural Development Act* shall apply to any real or chattel mortgage made under this Act.

Minister's report to Assembly. **8.** The Minister shall lay before the Assembly at each session a report of all loans made under the authority of this Act and the regulations.

Report of co-operative association. **9.** Every co-operative association to which an undischarged loan has been made shall make such annual or other reports, returns and statements to the Minister as the regulations may prescribe.

Notice of annual meeting. **10.** Every co-operative association to which an undischarged loan has been made shall by written notice advise the Minister of the time and place for each annual meeting and the Minister or his representative shall have the privilege of attending all meetings.

Minister may call meeting. **11.** The Minister may, if in his opinion it is necessary, by notice to the secretary, call a meeting of the members or shareholders of any co-operative association to which an undischarged loan has been made to inquire into its affairs at such time and place as he may specify in the notice.

Inspection of books. **12.—(1)** The Minister may appoint some person to inspect the books, accounts and property of any co-operative association to which an undischarged loan has been made and may empower such person to summon witnesses and enforce the production of documents before him and take evidence upon oath with regard to such inspection, and all officers of any such association whenever required so to do shall submit the books and accounts thereof to such inspection and shall truly and to the best of their knowledge answer all questions put to them in relation thereto or to the funds and management of such association.

Alterations and repairs. (2) The Minister may order such alterations or repairs to be made to the property of any co-operative association for the purpose of better securing a loan made under this Act.

Default in performance or breach of provisions. **13.** If a co-operative association to which a loan has been made makes any default in the performance of the terms of the contract entered into with the Minister or otherwise commits a breach of any of the provisions of this Act, or in the opinion of the Minister, fails or ceases to carry out its objects, the Minister may without resort to proceedings in equity or law rescind the contract and authorize the Agricultural Development Board without notice to exercise any and all of its powers of sale as mortgagee as in the case of default on the part of a mortgagor notwithstanding that no actual

default in payment of principal or interest under the mortgage may have occurred.

14. The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,— Regulations.

- (a) prescribing the form and manner of making application and a contract for a loan and the manner in which each application shall be dealt with;
- (b) prescribing the rates of interest to be payable upon loans made under this Act;
- (c) providing for inspection and valuation of the property upon which the loan is to be secured;
- (d) respecting inquiries to be made and information to be furnished with respect to the object of the loan before making the loan;
- (e) with respect to any other matter regarding which the Minister deems regulations necessary for the execution of the purposes of this Act.

15. The Minister may decide all matters of doubt or dispute arising under this Act and his decision shall be final except that an appeal therefrom may be made to the Lieutenant-Governor in Council. Powers of Minister.

16. The provisions of this Act shall apply to any loans made to co-operative associations during the year 1931 as if such loans had been made immediately after this Act came into force. Loans made during 1931.

17. *The Co-operative Marketing Loan Act*, being chapter 75 of the Revised Statutes of Ontario, 1927, is repealed. Rev. Stat., c. 75, repealed.

18. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act to assist Co-operative Associations
in Marketing Agricultural Products.

1st Reading

March 15th, 1932

2nd Reading

March 21st, 1932

3rd Reading

March 25th, 1932

MR. KENNEDY (Peel)

No. 114

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The University Act.

MR. OAKLEY

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 114

1932

BILL

An Act to amend The University Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The University Act, 1932*.

Rev. Stat.,
c. 337, s. 15,
repealed.

2. Section 15 of *The University Act* is repealed and the following substituted therefor:

Exemption
from
taxation.

15.—(1) Subject to the provisions of subsections 2, 3 and 4, the property real and personal vested in the Board shall not be liable to taxation for provincial, municipal or school purposes and shall be exempt from every description of taxation.

Not to apply
to certain
lands.

(2) The exemption from taxation provided by subsection 1 shall not extend or apply to any land vested in the Board which is used as an athletic field, stadium or ice arena or otherwise for the purpose of athletics or sport by persons other than undergraduates or members of the teaching staff of the University, University College or any federated university or federated college.

Tenant's
interest in
certain
lands.

(3) The interest of every tenant of any portion of the land vested in the Board commonly known as the University Park composed of the north halves of Park lots numbers Eleven, Twelve and Thirteen in the first concession from the bay of the township of York, now in the city of Toronto, and including that part of Park lot number Fourteen in the said concession described in a conveyance to Her late Majesty Queen Victoria registered as number 8654 R in the registry division of the city of Toronto, shall be liable to taxation, except the interest of every tenant or occupant who is a member of the

EXPLANATORY NOTES

Section 2. Section 15 of *The University Act* as it now stands exempts from taxation absolutely all property real and personal, vested in the Board, but the interest of the lessee is liable to taxation.

Subsection 2 of the new section 15 is a change in the law and is not in section 15 as it stands at present.

Subsection 3 makes the leasehold interest of every tenant of any part of the lands described in this subsection liable to assessment and taxation

teaching staff or an officer or servant of the University or of University College, or an association of undergraduates or an incorporated society of undergraduates.

Extent of
liability of
tenant.

- (4) The tenant of any land vested in the Board other than land described in subsection 3 shall be assessed in respect to the land of which he is the tenant in the same way as if the land was owned by any other person, and in addition to the liability of every such tenant to pay the taxes assessed against such land, the interest, if any, of every person other than the Board in such land shall be subject to the charge thereon given by section 97 of *The Assessment Act* and shall be liable to be sold under the provisions of that Act for arrears of taxes assessed against the land, but the interest of the Board in such land shall not be so subject or liable.

Rev. Stat.,
c. 238.

Exemption
of federated
universities
and colleges.

- (5) Those parts of the lots mentioned in subsection 3 which are now or hereafter may be owned, leased or occupied by any federated university or federated college for the purposes of such university or college shall also be exempt from taxation in the same way and to the same extent as the real property vested in the Board.

Section 97 of *The Assessment Act* mentioned in subsection 4, is the section which gives priority to municipal taxes over everyone except the Crown.

Subsection 5 maintains the exemption of federated universities and colleges.

BILL

An Act to amend The University Act.

1st Reading

March 15th, 1932

2nd Reading

3rd Reading

MR. OAKLEY

No. 115

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Insurance Act.

MR. SINGER

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 115

1932

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Insurance Act, 1932, No. 2.*

Rev. Stat.,
c. 222,
amended. **2.** *The Insurance Act* is amended by adding thereto the following section:

Discrimination against
race or
religion. 92a.—(1) Where it is found that a company licensed under this Act and carrying on business in Ontario declines risks or discriminates in any way against the race or religion of an applicant for insurance the company shall be guilty of an offence punishable as provided in section 77 of this Act.

Onus of
proof. (2) In any action or prosecution under this Act it shall be incumbent upon the defendant or accused to prove that he has not been guilty of any discrimination as set out in subsection 1.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

This Bill is intended to put an end to a practice on the part of fire insurance companies of discriminating against applicants for insurance on the ground of their race or religion.

Subsection 2 is required because the defendant or accused is the only person having the necessary information on which to found a prosecution.

BILL

An Act to amend The Insurance Act.

1st Reading

March 15th, 1932

2nd Reading

3rd Reading

MR. SINGER

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Insurance Act.

MR. SINGER

No. 115

1932

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Insurance Act, 1932, No. 2.*

Rev. Stat.,
c. 222,
amended. **2.** *The Insurance Act* is amended by adding thereto the following section:

No racial or
religious dis-
crimination
permissible. 92a.—Any licensed insurer which discriminates unfairly between risks within Ontario because of the race or religion of the insured shall be guilty of an offence.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Insurance Act.

1st Reading

March 15th, 1932

2nd Reading

March 22nd, 1932

3rd Reading

March 24th, 1932

MR. SINGER

No. 116

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting The Ontario Municipal Board.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 116

1932

BILL

An Act respecting The Ontario Municipal Board.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Ontario Municipal Board Act, 1932*.

PART I

INTERPRETATION

Interpreta-
tion.

2. In this Act,—

“Board.”

(a) “Board” shall mean The Ontario Municipal Board.
New.

“Local
board.”

(b) “Local Board” shall mean and include any school board, public utility commission, public library board, board of park management, local board of health, board of police commissioners and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality. *New.*

“Municipality.”

(c) “Municipality” shall mean a county, city, town, village or township and shall include the corporation thereof and shall also include every local board thereof. *New.*

“Public
utility.”

(d) “Public Utility” shall mean and include any waterworks, gasworks, including works for the production, transmission, distribution and supply of natural gas, electric heat, light and power works, and telegraph or telephone lines, or any works supplying the general public with necessities or conveniences. *R.S.O. 1927, c. 225, s. 2 (a).*

GENERAL EXPLANATORY NOTES

This Bill is a revision of *The Railway and Municipal Board Act* (R.S.O. 1927, c. 225), *The Bureau of Municipal Affairs Act* (R.S.O. 1927, c. 232) and *The Municipal and School Accounts Audit Act* (R.S.O. 1927, c. 243) and contains new sections covering the additional general municipal jurisdiction which is being conferred upon the Municipal Board and also the provisions under which the Board will exercise control over defaulting municipalities.

Except where new jurisdiction is conferred and where provision is made for merging the Bureau of Municipal Affairs and the Provincial Municipal Audits Branch with the board, it will be seen from a perusal of this Bill that the provisions of the present Railway and Municipal Board Act have been followed with only such changes therein of a minor character as are necessary to correspond with added jurisdiction or are desirable by way of improvement in matters of expression.

Part II. (constitution of the board); III (general jurisdiction); VII (railway and utility jurisdiction), and VIII (practice and procedure) are the ones which substantially continue the existing law.

Part IV. Contains provisions for merging the Municipal Bureau and the Municipal Audits Branch with the board with such modifications and improvements in matters of jurisdiction and procedure as are deemed desirable.

Part V. Contains provisions relating to the general municipal jurisdiction to be exercised by the board.

Part VI. Contains provisions setting forth the special jurisdiction to be exercised by the board over defaulting municipalities and for effecting control necessary to rescue such municipalities from that position.

Interpre-
tation under
Rev. Stat.,
c. 224.

3. The interpretation sections of *The Railway Act* shall apply to this Act. *R.S.O. 1927, c. 225, s. 1.*

Application
of Act to all
railways.

4. The provisions of this Act relating to railways shall apply to all railways, whether operated by steam, electricity or other motive power, including street railways. *R.S.O. 1927, c. 225, s. 3.*

References
to former
board
deemed
to refer to
board under
this Act.

5. Where in any general or special Act reference is made to the Ontario Railway and Municipal Board or to that board under any other name, hereafter it shall be deemed that such reference is made to the board as named in this Act. *New.*

PART II

CONSTITUTION OF BOARD

- Change of designation.** **6.** The Ontario Railway and Municipal Board as heretofore constituted shall under the provisions of this Act continue, but hereafter shall be called "The Ontario Municipal Board." *New.*
- Present members continued.** **7.** The members of the board heretofore appointed under *The Railway and Municipal Board Act* shall continue in their respective offices as members of the board under this Act. *New.*
- Composition of board.** **8.** The board shall be composed of three members to be appointed by the Lieutenant-Governor in Council, one of whom shall be appointed as chairman and another as vice-chairman, and each of them shall continue so to be while he is a member of the board. *R.S.O. 1927, c. 225, s. 4 (2).*
- Vacancies.** **9.** Vacancies in membership of the board caused by death, resignation or otherwise may be filled by the Lieutenant-Governor in Council. *R.S.O. 1927, c. 225, s. 4 (3).*
- Tenure of office.** **10.**—(1) Members of the board continuing in office at the time this Act comes into force and hereafter appointed shall hold office during pleasure. *R.S.O. 1927, c. 225, s. 4 (5).*
- Status of Chairman.** (2) The Chairman of the board, if at the time of his appointment a barrister of at least ten years standing at the bar, shall not be removed at any time by the Lieutenant-Governor in Council except upon an address of the Assembly. *R.S.O. 1927, c. 225, s. 4.*
- Power of vice-chairman.** **11.** In the case of the absence of the chairman or of his inability to act or of a vacancy in the office, the vice-chairman shall have and exercise the jurisdiction and powers of the chairman, including the power to complete any unfinished matter, and in such case all orders, rules, regulations, certificates and other documents signed by the vice-chairman shall have the like force and effect as if signed by the chairman. *R.S.O. 1927, c. 225, s. 5 (1), varied.*
- Presumption of having duly acted.** **12.** Whenever it appears that the vice-chairman has acted for and instead of the chairman, it shall conclusively be presumed that he has so acted in the absence or disability of the chairman. *R.S.O. 1927, c. 225, s. 5 (2).*
- Vacancy in membership or inability to act not to affect powers of board.** **13.** A vacancy in membership of the board or the absence or inability of a member to act, shall not impair the powers of the board or of the remaining members who shall exercise all the jurisdiction and powers of the board. *R.S.O. 1927, c. 225, s. 4 (3), varied.*
- Quorum.** **14.** Except as provided in section 15, two members of the board shall form a quorum and be sufficient for the exercise of all the jurisdiction and powers of the board, and not less

PART II

EXPLANATORY NOTES

Reference is made at the end of each section as to whether the provision is new or is taken from the present *Railway and Municipal Board Act* (R.S.O. 1927, c. 225) and in the main there is little change therefrom. In the latter cases no explanatory notes are necessary.

Sections 6 and 7. Give the board the new name of "The Ontario Municipal Board" as more clearly indicative of its future principal functions. The present jurisdiction in other matters is continued and is provided for in this Bill.

than two members shall attend at the hearing of every case. *R.S.O. 1927, c. 225, s. 6.*

Where applications unopposed.

15. In any case, application or matter before the board in which there is no opposing party and no notice to be given to any interested party, any one member may act alone for the board. *R.S.O. 1927, c. 225, s. 7.*

Questions of law.

16. The chairman, when present, shall preside at all sittings of the board, and his opinion upon any question of law shall prevail. *R.S.O. 1927, c. 225, s. 6.*

Reference to a member.

17. The board or the chairman may authorize any one of the members to report to the board upon any question or matter arising in connection with the business of the board, and when so authorized such member shall have all the powers of the board for the purpose of taking evidence and acquiring the necessary information for the purpose of such report, and upon the report being made to the board, it may be adopted as the order of the board or otherwise dealt with as to the board seems proper. *R.S.O. 1927, c. 225, s. 8.*

Appointments to a *pro hac vice*.

18. Whenever a member of the board is interested in any matter before the board, the Lieutenant-Governor in Council may, upon the application of such member or otherwise, appoint a disinterested person to act as a member, *pro hac vice*, and the Lieutenant-Governor in Council may also appoint a person to act as a member during the illness, absence or inability to act of any member. *R.S.O. 1927, c. 225, s. 9.*

Attendance to duties.

19. Unless otherwise authorized by Statute or the rules of the Assembly or the Lieutenant-Governor in Council, the members shall devote the whole of their time to the performance of their duties as members of the board, and shall not accept or hold any office or employment inconsistent with such duties. *R.S.O. 1927, c. 225, s. 11 (1), amended.*

Prohibition against holding municipal securities, railway stock, etc.;

20. No member or officer of the board shall, directly or indirectly,—

(a) hold, purchase, take, deal in or become interested in any stock, bond, debenture, share or other security of any municipality in Ontario or of any railway or public utility company or any company which in any way controls a railway or public utility; *R.S.O. 1927, c. 225, s. 10 (1) (a), amended.*

or having interest in contract;

(b) become concerned or interested in any contract, undertaking or work with or for any municipality, railway or public utility company; *New.*

or having interest in appliances.

(c) have any interest in any device, appliance, machine, patented process or article or in any part thereof

which may be required or used for the purpose of the business of any municipality, railway or public utility company. *R.S.O. 1927, c. 225, s. 10 (1) (b), amended.*

Duty to dispose of interest.

21. If a member or officer of the board shall by will, succession, or otherwise for his own benefit, directly or indirectly, become the owner, holder or otherwise vested with or interested in any stock, bond, debenture, share, security, contract, undertaking, work, device, appliance, machine, patented process or article mentioned in section 20, he shall within one year thereafter absolutely sell and dispose of the same or his interest therein. *R.S.O. 1927, c. 225, s. 10 (2), varied.*

Members of board not to be officers or directors of certain companies.

22. No member or officer of the board shall act as director or officer of any railway or public utility company or of any company which has power to invest any portion of its funds in the securities of a municipality, railway or public utility company. *R.S.O. 1927, c. 225, s. 10 (3), amended.*

Securing assistance for purpose of inquiry.

23. For the purpose of any inquiry or examination conducted by it or in the performance of any of the other duties assigned to it by this or any other Act or by the Lieutenant-Governor in Council, the board may with the consent of the Minister of the Executive Council in charge of any Department of the Government, avail itself of the services of any officer or employee of such Department and for any such purpose it may with the approval of the Lieutenant-Governor in Council, avail itself of the services of any member, officer or employee of any board or commission established by Act of the Legislature. *New.*

Offices at Toronto.

24. The Lieutenant-Governor in Council shall provide within the city of Toronto a suitable place in which the sittings of the board may be held and also suitable offices for the members, secretary, staff and other employees and all necessary furnishings, stationery and equipment for the establishment, conduct and maintenance of the same and for the performance of the duties of the board. *R.S.O. 1927, c. 225, s. 12.*

Sittings of board.

25. The board shall sit at such times and places within the Province as the chairman may from time to time designate and shall conduct its proceedings in such manner as may seem to it most convenient for the speedy and effectual dispatch of its duties. *R.S.O. 1927, c. 225, s. 13 (1).*

Private or public.

26. The sittings of the board may be either private or open to the public, but any complaint made to the board shall on the application of any party thereto, be publicly heard. *R.S.O. 1927, c. 225, s. 13 (2).*

Use of court house.

27. Where sittings of the board or any member thereof, are appointed to be held in any municipality in which a court

Section 23. It may be of advantage on occasion and at a saving of expense that the services of a governmental department or commission be employed to facilitate the work of the board.

house is situate, the board or member shall have in all respects the same authority and right as a judge of the Supreme Court with respect to the use of the court house and any part thereof, and of other buildings and apartments set aside in the municipality for the administration of justice. *R.S.O. 1927, c. 225, s. 14 (1), varied.*

Use of
town hall.

28. Where sittings of the board or any member thereof are appointed to be held in any municipality in which there is a hall belonging to the corporation thereof, but no court house, the corporation shall, upon request, allow such sittings to be held in such hall and shall make all arrangements necessary and suitable for such purpose. *R.S.O. 1927, c. 225, s. 14 (2).*

Experts.

29. The Lieutenant-Governor in Council may from time to time upon the recommendation of the board, appoint one or more experts or persons having technical or special knowledge of matters or subjects within the jurisdiction of the board or in question in respect of any particular matter or subject before the board to assist the board in an advisory or other capacity. *R.S.O. 1927, c. 225, s. 19 (1), varied.*

Secretary.

30. There shall be a secretary of the board who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. *R.S.O. 1927, c. 225, s. 15 (1).*

Duties of
secretary,—

31. It shall be the duty of the secretary to,—

Attend
sittings;

(a) attend all sittings of the board;

Keep
minutes.

(b) keep a record of all applications to and proceedings before the board or any member;

Custody of
records.

(c) have the custody and care of all records and documents of or pertaining to the business of or proceedings before the board or any member, or filed in his office;

Authentica-
tion of
regulations,
orders, etc.

(d) have every order, rule, regulation and certificate drawn pursuant to the directions of the board and according to the provisions of any Statute affecting the same properly authenticated and issued, filed and otherwise dealt with as may be requisite;

Record
books.

(e) keep proper books of record in which he shall cause to be entered a true copy of every order, rule and regulation made by the board and of every other document which the board may require to be entered therein, and such entry shall constitute and be the original record of every such order, rule, regulation and document; *R.S.O. 1927, c. 225, s. 15 (2) (a), (b), (c), (e), (f).*

Other matters.

- (f) carry out such other functions and duties as may by Statute, the Lieutenant-Governor in Council or the board be assigned to him or his office; and *New*.

ObeY directions.

- (g) obey all rules, regulations and directions made or given by the board touching his duties or his office. *R.S.O. 1927, c. 225, s. 15 (2) (d).*

Certified copies of regulations or orders.

- 32.** Upon application of any person and on payment of such fees as the board may prescribe, the secretary shall deliver to such person a certified copy of any order, rule, regulation, certificate or other document made, given or issued by the board. *R.S.O. 1927, c. 225, s. 16.*

Acting secretary.

- 33.** Where the office of the secretary is vacant, or in his absence or inability to act, the board may appoint a secretary *pro tempore*, who shall act in the place of the secretary, or a member of the board may act as secretary. *R.S.O. 1927, c. 225, s. 17, amended.*

Staff of board,—
appointment and dismissal.

- 34.** The staff of the board shall consist of a secretary and of such other officers, clerks, stenographers and employees as the board, with the approval of the Lieutenant-Governor in Council, from time to time appoints and the board, with the like approval, may at pleasure dismiss any of them. *R.S.O. 1927, c. 225, s. 19 (2).*

Salaries of board and secretary.

- 35.** The chairman and other members of the board and the secretary shall be paid such salaries as shall from time to time be fixed by the Lieutenant-Governor in Council. *1929, c. 21, s. 11.*

Salaries of staff.

- 36.** The officers, clerks, stenographers and employees of the board shall be paid such salaries or remuneration as upon the recommendation of the board, the Lieutenant-Governor in Council may approve. *R.S.O. 1927, c. 225, s. 19 (3).*

Remuneration of appointee to make enquiry.

- 37.** Whenever the board by virtue of any power vested in it appoints or directs any person other than a member of the staff of the board to perform any service required by this or any other Act, such person shall be paid such sum for services and expenses as upon the recommendation of the board, the Lieutenant-Governor in Council may approve. *R.S.O. 1927, c. 225, s. 19 (4).*

Salaries and expenses of board, secretary, staff, etc.,—
how to be paid.

- 38.** The salaries of the members of the board and the secretary and the salaries or remuneration of the staff of the board and all expenses of the board and of supplying or maintaining offices and furnishings, stationery, supplies and equipment for the board, together with expenses incurred by

members of the board or the secretary in the performance of their duties including reasonable travelling and subsistence expenses of the members and secretary and of such of its staff as may be required or authorized by the board necessarily incurred in attending to the duties of their office, shall be paid monthly out of the Consolidated Revenue Fund of the Province. *R.S.O. 1927, c. 225, s. 19 (5), amended.*

Protection
from being
called as
witnesses.

39. Neither the members of the board nor its secretary nor any of its staff shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty. *New.*

Protection
from
personal
liability.

40. Neither the members of the board, nor its secretary nor any of its staff shall be personally liable for anything done by it or by him under the authority of this or any other Act. *New.*

Section 39. It is proper that members of the board and of its staff shall in respect of their official duties be free from subjection to subpoena at the instance of a litigant in civil suits.

Section 40. This is the usual provision to protect statutory officers from personal liability in performance of their duty.

PART III

GENERAL JURISDICTION AND POWERS

Board to
have powers
of court of
record and a
seal.

41. The board shall for all purposes of this Act have all the powers of a court of record and shall have an official seal which shall be judicially noticed. *R.S.O. 1927, c. 225, s. 4 (4).*

Power to
determine
law and fact.

42. The board shall as to all matters within its jurisdiction under this Act have authority to hear and determine all questions of law or of fact. *R.S.O. 1927, c. 225, s. 20 (3).*

Jurisdiction
exclusive.

43. The board shall have exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this Act or by any other general or special Act. *R.S.O. 1927, c. 225, s. 21.*

General
jurisdiction
and powers.

44. The board shall have jurisdiction and power to,—

- (a) hear and determine all applications made, proceedings instituted and matters brought before it under the provisions of this Act or of any other general or special Act and for such purpose to make such orders, rules and regulations, give such directions, issue such certificates and otherwise do and perform all such acts, matters, deeds and things, as may be necessary or incidental to the exercise of the powers conferred upon the board under such Act; and
- (b) perform such other functions and duties as are now or shall hereafter be conferred upon or assigned to the board by statute or under statutory authority.
- (c) order and require or forbid, forthwith or within any specific time and in any manner prescribed by the board, the doing of any act, matter or thing or the omission or abstention from doing or continuance of any act, matter or thing, which any person, firm, company, corporation or municipality is or may be required to do or omit to be done or to abstain from doing or continuing under this or any other general or special Act, or under any order of the board or any regulation, rule, by-law or direction made or given under any such Act or order or under any agreement entered into by such person, firm, company, corporation or municipality; and
- (d) make, give or issue or refuse to make, give or issue any order, directions, regulation, rule, permission,

PART III

EXPLANATORY NOTES

Reference is made at the end of each section as to whether the provision is new or is taken from the present Act. The provisions are substantially the same as at present and in such cases no explanatory notes are necessary.

approval, certificate or direction, which it has power to make, give or issue. *R.S.O. 1927, c. 225, s. 20, amended.*

Powers of
Supreme
Court
exercisable
by board.

45. The board for the due exercise of its jurisdiction and powers and otherwise for carrying into effect the provisions of this or any other general or special Act, shall have all such powers, rights and privileges as are vested in the Supreme Court with respect to the amendment of proceedings, addition or substitution of parties, attendance and examination of witnesses, production and inspection of documents, entry on and inspection of property; enforcement of its orders and all other matters necessary or proper therefor. *R.S.O. 1927, c. 225, s. 20 (4), varied.*

Jurisdiction
under
Letters
Patent.
Rev. Stat.
c. 218

46. Where by the provisions of any Letters Patent or supplementary Letters Patent of any corporation heretofore or hereafter issued under *The Companies Act* or any other general or special Act, any jurisdiction is conferred upon the board, or it is provided that any matter in any way may be referred to the board, it shall with respect thereto have power to inquire into, hear and determine all matters and things necessary or incidental to the due exercise of such jurisdiction and reference and to make and give orders, directions, regulations, rules, permissions, approvals, sanctions and certificates as to the board may deem proper. *1929, c. 23, s. 12, amended.*

Where
board's
approval
not given.

47. Where by the provisions of this or any other general or special Act the permission, approval or sanction of the board is necessary to the exercise of any power or the doing, or the abstention from doing or continuing to do any act, matter, deed or thing, such power shall not be exercised or act, matter, deed or thing be done or abstained from being done or be continued until such permission, approval or sanction has been obtained. *New.*

When board
may act.

48.—(1) The board may, of its own motion, and shall, upon the request of the Lieutenant-Governor in Council, inquire into, hear and determine any matter or thing which it may inquire into, hear and determine upon application or complaint, and with respect thereto shall have and may exercise the same powers as, upon any application or complaint, are vested in it. *R.S.O. 1927, c. 225, s. 22 (1).*

Power to act
from time
to time.

(2) Any power or authority vested in the board under this Act or any other general or special Act may, though not so expressed, be exercised from time to time, or at any time, as the occasion may require. *R.S.O. 1927, c. 225, s. 22 (2).*

Appoint-
ment of
counsel.

49.—(1) The Lieutenant-Governor in Council may from time to time, upon the request of the board, or of his own motion, appoint counsel to appear before the board and con-

Section 47. It is advisable to state this for the purpose of clarity and so that no difficulties may present themselves.

duct any enquiry or hearing or to represent the board upon the argument of any appeal to the Court of Appeal of the Supreme Court or to any other court in an appeal from the Court of Appeal, in cases where any such appeal may lie. *R.S.O. 1927, c. 225, s. 23 (1), amended.*

Costs.

(2) The board may direct that the costs of such counsel shall be paid by any party to the application, proceeding or matter, or by the Treasurer of Ontario. *R.S.O. 1927, c. 186, s. 23 (2).*

Power to rehear, review, etc.

50. The board may rehear any application before deciding it or may review, rescind, change, alter or vary any decision, approval or order made by it. *R.S.O. 1927, c. 225, s. 24.*

Board to enquire and report on certain matters at request of Government or Legislature.

51. The board shall, when required so to do by the Lieutenant-Governor in Council, the Assembly or any committee thereof, make or cause to be made under its supervision, an inquiry into any facts which the Lieutenant-Governor in Council, the Assembly or any such committee may desire to ascertain before passing upon the propriety of any proposed change in the general law, or upon any proposed Bill relating to a municipality or to a railway, or to any corporation or person operating or proposing to operate a public utility, and upon the conclusion of such inquiry the board shall report its opinion thereon. *R.S.O. 1927, c. 225, s. 55.*

Reference by Lieutenant-Governor in Council for report.

52. The Lieutenant-Governor in Council may at any time refer to the board, for a report or other action, any question, matter or thing arising, or required to be done in respect of a municipality, railway or public utility subject to the jurisdiction of the board, under any general or special Act, and the board shall without unnecessary delay comply with the Order-in-Council. *R.S.O. 1927, c. 225, s. 48.*

Board may order inquiries.

53.—(1) The board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute before the board, or upon any matter or thing over which the board has jurisdiction. *R.S.O. 1927, c. 225, s. 51 (1).*

Costs.

(2) The board may order by whom and in what proportion the costs and expenses incurred in making such inquiry and report shall be paid, and may fix the amount of such costs and expenses. *R.S.O. 1927, c. 225, s. 51 (2).*

General powers.

54. The board may order and require any person or company, corporation or municipality to do forthwith or within or at any specified time, and in any manner prescribed by the board, so far as is not inconsistent with this Act, any

act, matter or thing which such person, company, corporation or municipality is or may be required to do under this Act, or under any other general or special Act, or any regulation, order, direction, agreement or by-law, and may forbid the doing or continuing of any act, matter or thing which is in contravention of any such Act or of any such regulation, order, direction, agreement or by-law. *R.S.O. 1927, c. 225, s. 20 (2).*

Adoption of
appliances
for pro-
tection of
life, etc.

55. The board may require any person, company, corporation or municipality, subject to its jurisdiction, to adopt such means and appliances and to take and use such precautions as the board may deem necessary or expedient for the safety of life and property. *R.S.O. 1927, c. 225, s. 54.*

Duty
to execute
works
ordered by
board.

56.—(1) When the board, in the exercise of any power vested in it, by any order directs any structure, appliances, equipment, works, renewals, or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may order by what person, company, corporation or municipality interested or affected by such order, as the case may be, and when or within what time, and upon what terms and conditions as to the payment of compensation or otherwise, and under what supervision the same shall be provided, constructed, reconstructed, altered, installed, operated, used or maintained. *R.S.O. 1927, c. 225, s. 50 (1).*

And to pay
expenses of
them.

(2) The board may order by whom, in what proportion and when, the cost and expenses of providing, constructing, reconstructing, altering, installing and executing such structures, equipment, works, renewals, or repairs, or of the supervision, if any, or of the continued operation, use or maintenance of the same, or of otherwise complying with such order shall be paid. *R.S.O. 1927, c. 225, s. 50 (2).*

Board's
powers upon
default in
obeying
order.

57. If default is made by a person, company, corporation or municipality in the doing of any act, matter or thing, which the board has authority, under this or any other general or special Act, to direct and has directed to be done, the board may authorize such person as it may see fit to do the act, matter or thing, and in every such case the person so authorized may do such act, matter or thing, and the expense incurred in the doing of the same may be recovered from the person, company, corporation or municipality in default as money paid for and at his or its request, and the certificate of the board of the amount so expended shall be conclusive evidence thereof. *R.S.O. 1927, c. 225, s. 25.*

Enforcing
orders of
board.
Rev. Stat. c.
224.

58. The board shall also have power to enforce its orders and directions respecting any public utility in the manner and by the means provided in section 261 of *The Railway Act*. *R.S.O. 1927, c. 225, s. 7.*

Powers
respecting
inquiries.

59. The board, inspecting engineer, or person appointed under this Act to make any inquiry or report may,—

Entry.

- (a) enter upon and inspect any place, building, or works, being the property or under the control of any company, the entry or inspection of which appears to it or him requisite;

Inspection.

- (b) inspect any works, structure, rolling stock or property of the company;

Attendance
of witnesses.

- (c) require the attendance of all such persons as it or he thinks fit to summon, and examine and require answers or returns to such enquiries as it or he thinks fit to make;

Pro-
duction of
documents,
etc.

- (d) require the production of all books, papers, plans, specifications, drawings and documents, relating to any matter before it or him;

Oaths.

- (e) administer oaths,

Summoning
witnesses
and
enforcing
attendance.

and shall have the like power to summon witnesses and enforce their attendance, and compel them to give evidence and to produce books, papers or things which they are required to produce, as is vested in any court in civil cases. *R.S.O. 1927, c. 225, s. 52.*

PART IV

MUNICIPAL ACCOUNTS, STATISTICS AND AUDITS

Returns and statements. Bureau of Municipal Affairs transferred to the board.

60. The branch of the public service of Ontario heretofore known as "The Bureau of Municipal Affairs" established under *The Bureau of Municipal Affairs Act* is hereby transferred to the board and all the matters heretofore assigned to the said Bureau shall hereafter be under the jurisdiction of the board as provided in this Part. *New.*

Commissioner of Municipal Affairs to be appointed from the board.

61.—(1) The Lieutenant-Governor in Council may designate which member of the board shall have charge over the administration of all matters within the jurisdiction of the board under this Part and the member so designated shall be known as the "Commissioner for Municipal Affairs." *New.*

Chairman to act in absence, etc., of commission.

(2) During the absence or in the inability of the commissioner to act or in case of a vacancy in his office, the chairman of the board shall have and may exercise all the powers of the commissioner under this Act.

Officers, clerks, etc., continued in office.

62.—(1) All the officers, clerks and servants of The Bureau of Municipal Affairs in office at the time when this Part comes into force shall continue according to their present appointments and in their respective offices, but as officers, clerks and servants of the board under the direct charge of the commissioner to whom they shall be responsible for the performance of their duties. *New.*

Provincial municipal auditor.

(2) Subject to the control of the commissioner, the provincial municipal auditor shall be the chief officer for the purposes of this Part. *New.*

General powers.

63. The board, by and through the commissioner, shall have power,—

Municipal accounting system.

(a) to prescribe and regulate the system of estimates, book-keeping and accounting to be adopted by municipalities, and the form of and the manner in which all estimates, books of account, registers, records, vouchers, receipts and other books and documents relating to the assets, liabilities, revenues and expenditures of municipalities shall be kept, and the manner in which all funds and moneys thereof shall be accounted for; *Partly new.*

Municipal returns.

(b) to prescribe the forms, returns, statements and information to be made and furnished by municipalities to the board, annually, periodically or

EXPLANATORY NOTES

GENERAL.—The provisions of this Part transfer to the Board jurisdiction in all matters heretofore in charge of the Bureau of Municipal Affairs under *The Bureau of Municipal Affairs Act* (R.S.O. 1927, c. 232) and in charge of the Provincial Secretary and Provincial Municipal Auditor under *The Municipal and School Accounts Audit Act* (R.S.O. 1927, c. 243).

To ensure efficient control and functioning of the work of this branch provision is made for one of the members of the board being appointed in charge with the title of "Commissioner of Municipal Affairs," so that there will be continuity in the work previously performed by the Director of the Bureau and Provincial Municipal Auditor. Gradually the work can be assimilated with the other activities of the board.

Sections 60, 61 and 62. These sections institute the transfer to the board of the matters above referred to and provide for continuance in office of the present staff and for the appointment of the commissioner.

Section 63. This is an adaptation of sections 9 and 10 of *The Bureau of Municipal Affairs Act* and sections 4 and 6 of *The Municipal and School Accounts Audit Act* with such additions thereto and improvements as are deemed desirable.

otherwise, and the times when and by whom they shall be made;

Municipal audit.

- (c) to prescribe and regulate the system of auditing of the accounts, registers, records, vouchers, receipts and other books and documents relating to the assets, liabilities, revenues, expenditures, funds and moneys of municipalities and the reports, returns, statements and information to be made and furnished by municipal auditors and otherwise with respect to the performance of their duties; *Partly new.*

Compiling statistics, etc.

- (d) to collect, compile, analyse and record such statistical and other information relating to the financial and other affairs of municipalities as may be useful;

Publishing reports, etc.

- (e) to prepare and publish statistics, reports, records, bulletins, pamphlets, circulars and other means of disseminating information and advice in relation to municipal affairs as may be useful; *Partly new.*

Report on municipal government, etc.

- (f) to study, report and advise upon the system of municipal institutions and the government and administration of municipal affairs; *New.*

Reports of board.

- (g) to prepare and make to the Lieutenant-Governor in Council such annual or other reports and returns as may be required;

Other duties.

- (h) to perform such other duties as the Lieutenant-Governor in Council may require or assign;

Incidental powers.

- (i) to perform and do all things necessary or incidental to any of the aforesaid purposes; *R.S.O. 1927, c. 232, ss. 9 and 10, amended; R.S.O. 1927, c. 243, ss. 4 and 6, amended.*

Variations in systems and forms.

64. The commissioner may with respect to any of the matters mentioned in clauses *a*, *b* and *c* of section 63 prescribe different systems, methods and forms for the several classes of municipalities or for any municipality. *New.*

Duty of members of council, local boards and their officers.

65. Every municipality and every member of the council or a local board thereof and every officer thereof shall comply with any system, methods or forms prescribed under this Part to be adopted, kept or made by such municipality, local board or by the class of municipalities or local board of which such municipality or local board is one. *New.*

Adoption of other satisfactory system of accounting, auditing, etc.

66. A municipality which has adopted a system of estimates, book-keeping, accounting or auditing which the

Section 64. This section permits of variation in the standard systems set up so as to take care of the differences between the several classes of municipalities, urban and rural, large and small, etc.

Section 65. The imposition of the duty of complying with the standard systems set up is necessarily incidental to proper functioning.

Section 66. This permits satisfactory systems of accounting, auditing, etc., to be continued even though not in accord with the standard system.

commissioner is satisfied to approve may continue such system until otherwise directed by the commissioner and until such time it shall not be necessary for the municipality to comply with any system prescribed under this Part. *R.S.O. 1927, c. 243, s. 8 (4).*

All returns
to be made
to the
board.

67.—(1) All returns required by any Act to be made to the Secretary of the Bureau of Industries or to the Bureau of Municipal Affairs shall be made to the board. *R.S.O. 1927, c. 232, s. 8 (3), amended.*

(2) Where in any Act reference is made to the Director of the Bureau of Municipal Affairs such reference shall be deemed to be made to the Commissioner for Municipal affairs.

Provincial
municipal
audit.

When
ordered.

68.—(1) The commissioner, either at the direction of the board or upon his own initiative or whenever requested by any municipality expressed by resolution of its council, or on a petition in writing signed by not less than fifty ratepayers assessed as owners and resident in a municipality, may direct the provincial municipal auditor to make or have made an audit of the financial affairs of the municipality. *R.S.O. 1927, c. 243, s. 10, amended.*

Extent of
audit.

(2) Any direction given by the commissioner may extend to an audit of all the financial affairs of a municipality or may be limited to the financial affairs of any local board thereof, or to any specified phase of such financial affairs or to any specified books, accounts, registers, records, vouchers, receipts, funds, money or financial transactions, kept by or under the charge of any officer of the municipality designated by the commissioner. *R.S.O. 1931, c. 53, s. 2, amended.*

Appoint-
ment of
special
auditor to
make the
audit.

69. With the approval of the commissioner the provincial municipal auditor may appoint a chartered accountant or other competent auditor to make any audit which the commissioner may have directed to be made under this Part, and the person appointed shall for the purposes of such audit have all the powers and perform all the duties conferred or imposed upon the provincial municipal auditor. *R.S.O. 1927, c. 243, s. 10 (3).*

Powers of
auditor
with
respect to
an audit.

70. For the purposes of any audit the provincial municipal auditor may require the production of all or any books, records and documents which may in any way relate to the affairs of the municipality, the subject of the audit, and inspect, examine and audit and copy the same and may require any officer of the municipality and any other person to appear before him and give evidence on oath touching any of such affairs and for such purpose shall have the same

Rev. Stat. c.
20.

Section 67. This is to ensure that returns made under any Act which refer to the Bureau or its predecessor will go to the Board.

Section 68. This section is substantially the same as section 10 of *The Municipal and School Accounts Audit Act*, except that a petition of owners rather than the request of two members thereof is now necessary, and that a petition must now be signed by at least fifty.

Past experience has proven that care must be exercised to prevent "spite" audits being called for at what would occasion great and often unnecessary expense to the municipality.

Section 69. This is practically the same as at present.

Section 70. This is substantially the same as at present.

powers as a commissioner under *The Public Inquiries Act*. R.S.O. 1927, c. 243, s. 11.

Report on
audit.

71. Upon completion of an audit under this Part the provincial municipal auditor shall report thereon in writing to the commissioner, who shall forthwith transmit a copy of the report to the municipality and to the board. R.S.O. 1927, c. 243, s. 14, amended.

Powers of
board as a
result of
an audit.

72. The board as a result of any audit of the affairs of a municipality made under this Part may make such orders as it may see fit requiring the municipality to carry out, put into effect, observe, perform or enforce such matters or things as the audit may have disclosed as being necessary or desirable in the interests of the municipality or with respect to the due accounting for, collection or payment of any of its assets, liabilities, revenues, expenditures, funds or money or otherwise in any respect as the order of the board may provide. *New.*

Fees for
audit.

73. The board may fix the fees and allowances for expenses payable with respect to any audit of the affairs of a municipality under this Part, and the amount so fixed shall forthwith be paid by the municipality. R.S.O. 1927, c. 243, s. 16.

Exception
as to
municipal
hydro-
electric
commissions.

74. Nothing in this Part contained shall give to the board, commissioner or provincial municipal auditor, any jurisdiction with respect to any of the affairs of a municipal utility commission, the exclusive jurisdiction over which is by statute conferred upon The Hydro-Electric Power Commission of Ontario. R.S.O. 1927, c. 232, s. 11, amended.

Obligations
of officers'
sureties not
affected, etc.

75. Nothing in this Part shall affect or impair any security given by any officer of a municipality for the due and faithful performance of the duties of his office, nor relieve his sureties from liability in case of his default therein, nor shall anything in this Part relieve any municipality from its duty to appoint competent auditors. R.S.O. 1927, c. 243, s. 20.

Power to
obtain
returns on
failure of
municipality
to make
them.

76. Where a municipality fails, neglects or refuses to make or provide to the board any form or return, statement or information prescribed under this Part, the commissioner may authorize some person to make and furnish the same at the expense of the municipality. R.S.O. 1927, c. 232, s. 9 (2.)

Penalty.

77. Any municipality, member of council or of a local board or an officer thereof or any other person guilty of any wilful breach of any of the provisions of this Part or of any order of the board made thereunder shall in addition to any other penalty provided by law incur a penalty of not less than \$20 and not more than \$200 recoverable under *The Summary Convictions Act*, and, if a member of a council or a local board, shall upon conviction be disqualified from holding any municipal office for a period of two years. R.S.O. 1927, c. 232, s. 9 (2) and R.S.O. 1927, c. 243, s. 19, amended.

Rev. Stat.,
c. 121.

Section 71. This is section 14 of *The Municipal and School Accounts Audit Act* in improved form and provides for a copy of the report being filed with the board.

Section 72. This provision is new and vests in the board power to see that anything which an audit discloses as desirable to be done or avoided is done or avoided.

Past experience in many cases has shown that after an audit, no attempt has been made to remedy undesirable conditions or practices which the audit has disclosed.

Section 73. This is section 16 of *The Municipal and School Accounts Audit Act* in shortened form

Section 74. This is a continuance of the exception contained in the amendment of 1931 (c. 53) made to *The Municipal and School Accounts Audit Act*.

Section 75. This is the same as at present.

Section 76. This is the same as at present.

Section 77. The penalty clause is a modification of the penalty clause contained in the two Acts referred to, with reduction in the amount of penalties to a more reasonable amount.

Experience indicates that where penalties are too stiff it makes for difficulties in securing convictions, even in cases where conviction should follow.

PART V

GENERAL MUNICIPAL JURISDICTION

General municipal jurisdiction of the board. **78.** The board shall have jurisdiction and power in relation to municipal affairs to,—

Advisory powers.

(a) effect improvement generally in their conduct and administration and, among other things, consult with and assist by advice municipalities, develop proper methods of municipal financing, accounting and audit, collaborate with municipal associations and other bodies and collect, compile and disseminate municipal statistics and information; *New.*

Approving borrowings.

(b) approve the exercise in whole or in part of any of the powers by a municipality under any general or special Act which may or will involve or require the borrowing of money by the issue of debentures, or the incurring of any debt or the issuing of any debentures, and which municipality voluntarily applies for or is required by law to obtain such approval; *New.*

Approving by-laws.

(c) approve any by-law or proposed by-law of a municipality which voluntarily applies for or is required by law to obtain such approval; *New.*

Floating debt.

(d) authorize the issue by a municipality of debentures to pay any floating indebtedness which it may have incurred, upon such terms in such manner and at such times as the board may approve; or direct that such floating indebtedness be paid in such other manner and within such time as the board may require; *New.*

Certifying validity of debentures.

(e) certify to the validity of debentures issued under the authority of any by-law of a municipality which the board has approved; *New.*

Assent of electors to by-laws.

(f) direct that before any approval is given by the board to the exercise of any powers by a municipality or to any by-law passed by it the assent of the electors thereof or of those thereof who are qualified to vote on money by-laws first be obtained, notwithstanding such assent is not otherwise requisite;

Supervising certain expenditures.

(g) supervise, where deemed necessary, the expenditure of any moneys borrowed by a municipality with the approval of the board; *New.*

Detailed statement of affairs.

(h) require and obtain from any municipality at any time and for any definite period statements in detail of any of its affairs, financial and otherwise; *New.*

EXPLANATORY NOTES

GENERAL.—This Part sets forth the general municipal jurisdiction of the board and it will be ascertained from its provisions that the general idea is to increase the usefulness of the board to municipalities so that at any time it may be consulted for advice and assistance.

Provision is also made for municipalities to voluntarily apply to the board for approval of any of its projects and of proposed debenture issues, so that the municipality if it does proceed with the project or debenture issue will have obtained an approval which evidences the soundness of the scheme, financial ability to provide for it and generally affords a "hall-mark" of good standing. This should prove not only of great assistance to municipal councils but will have a tendency to enable its debentures to be marketed with ease and at the highest price.

In addition provision is made that where an undertaking is approved subsequent debenture issues to cover the cost are to be validated by the board and the debentures certified, and when that is done the legality of the debentures is put beyond peradventure. This boon should prove of inestimable benefit to municipalities in facilitating sale of securities.

Sections 78 and 79. These sections set forth several of the matters above referred to. Attention is drawn to clause *d* which enables the board to deal with floating debts and thereby avoid the necessity, trouble and expense of Private Bill legislation.

General.

- (i) generally, exercise such jurisdiction and powers as by or under the authority of this Act or *The Municipal Act* or any other general or special Act are conferred upon the board; *Partly new.*

Rev. Stat.
c. 223.

Voluntary
application
to board
for its
approval
of certain
matters.

79. Although not required by law so to do, any municipality may voluntarily apply to the board for its approval of,—

- (a) the exercise by the municipality of any of its powers which may or will involve or require the borrowing of money by the issue of its debentures;
- (b) the incurring of any debt;
- (c) the issuing of its debentures;
- (d) any by-laws passed or proposed to be passed for any such purpose. *New.*

Application
to board for
approval
of by-law
authorizing
borrowing.

80. Any person the holder of or otherwise entitled to receive any debenture of a municipality or the proceeds of sale thereof or to whom a debt has been incurred or from whom money has been borrowed under the authority of any by-law of a municipality may apply to the board for approval of such by-law, and the board may approve the same. *R.S.O. 1927, c. 233, s. 304 (1).*

Approval to
be withheld
where
litigation
pending.

81. The board shall not grant or issue any approval or certificate under the provisions of this or any other general or special Act in respect of any municipal affair or matter, while the same or the validity thereof is called in question in any pending action or proceeding or by which it is sought to quash any by-law of a municipality relating thereto. *R.S.O. 1927, c. 233, s. 304 (2).*

Time
for giving
approval.

82. The board shall not approve any by-law of a municipality or certify the validity of any debenture issued thereunder until thirty days after the final passing of the by-law, unless such notice, if any, as the board may direct has been published or given of the application for such approval. *R.S.O. 1927, c. 233, s. 304 (2).*

Validation
where law
substantially
complied
with.

83. The board may in any case, if in its opinion there has been a substantial compliance with the law, approve any by-law of a municipality and certify the validity of debentures issued thereunder, notwithstanding any invalidity or irregularity in the by-law or in any proceedings relating or incidental thereto prior or subsequent to its final passing. *R.S.O. 1927, c. 233, s. 304 (3), amended.*

Sections 80, 81 and 82. These are a re-enactment of portions of section 304 of *The Municipal Act*, which when this Act comes into force will be repealed.

Section 83. This to a great extent sets forth in the Bill the principles which now govern where applications for approval of debenture issues is sought from the board under *The Municipal Act* with additional provision that substantial compliance with the law will cure invalidities as well as irregularities.

Past experience establishes that a great many of the Private Bills which the Legislature has to deal with every session are in whole or in part occasioned by the necessity for securing validation of some municipal debenture issue because of some objection, usually technical, that the proceedings have been invalid in some respect. The board at the present time can cure irregularities and not invalidities and if the power of the board is enlarged, the Legislature will be relieved of a great deal of bothersome and seemingly unnecessary Bills and municipalities will be saved considerable delay and expense in disposing of securities.

Debentures
to be
certified.

84. Every debenture issued or to be issued under the authority of any by-law of a municipality approved by the board shall bear the seal and certificate of the board signed by a member thereof, or by a person specially authorized by the chairman, establishing that the by-law has been approved by the board and that the debenture is issued in conformity therewith. *New.*

Form of
certificate.

85. The certificate of the board to the validity of any debenture of a municipality shall be in the following form,—

THE ONTARIO MUNICIPAL BOARD

In pursuance of *The Ontario Municipal Board Act, 1932*, the board certifies that By-law No. of the corporation of the of passed on the day of, 19 .., has been approved by the board, and that the within debenture, issued under the authority of such by-law and in conformity therewith, is valid and binding upon the said corporation and its validity may not be contested or questioned for any cause whatsoever.

Dated this day of, 19 ..

(SEAL)

.....
for the board.

R.S.O. 1927, c. 233, s. 304 (7), amended.

Validity
of certified
debentures.

86.—(1) Every by-law of a municipality approved by the board and every debenture issued thereunder bearing the seal and certificate of the board shall for all purposes be valid and binding upon the corporation of such municipality and the ratepayers thereof and upon the property liable for any rate imposed by or under the authority of the by-law and its validity may not be contested or questioned for any cause whatsoever, nor shall it be necessary to its validity that the judgment or opinion of any court or person be requisite or obtained. *R.S.O. 1927, c. 233, s. 304 (5), amended.*

(2) Where the board is satisfied that any by-law or other proceeding of a municipality is not entirely beyond its jurisdiction and powers or void *ab initio*, and the validity thereof has not been questioned in any court in any litigation which is pending or the by-law has not been set aside or quashed or the proceeding declared to be invalid by any court, the board may, notwithstanding any invalidity in the by-law or proceeding, approve the same, and in such case the provisions of subsection 1 shall apply to the by-law and to every debenture issued thereunder bearing the seal and certificate of the board. *New.*

Matters
to be con-
sidered prior
to approval.

87. The board, upon any application of a municipality for approval of the exercise by a municipality of any of its powers or of the incurring of any debt or the issue of any

Sections 84 and 85. These provisions follow section 304 of *The Municipal Act*.

Section 86. This is subsection 6 of section 304 of *The Municipal Act* in improved form, so it is beyond peradventure established that when debentures bear the certificate of the board their legality is beyond question and do not have to stand the test of opinion.

Section 87. This new section is useful as indicating not only to municipalities but to the board the various elements which should be considered when any enterprise is embarked upon which will necessitate borrowing and will serve as a guide to the board in measuring out its approvals.

debentures or of any by-law, shall before approving the same consider the nature of the undertaking, the necessity or expediency of the same, the financial position and obligations of the municipality and all such other matters as in the opinion of the board may call for consideration. *New.*

Requisite
assent of
electors not
to be dis-
penssed with.

88. Where under the provisions of any general or special Act it is requisite that the assent of the electors of a municipality or of those thereof qualified to vote on money by-laws be first obtained to the exercise by the municipality of any of its powers or the incurring of any debt, issue of any debentures or passing of any by-law, the board shall not approve the exercise of such power, incurring of debt, issue of debentures or the by-law until such assent has been obtained. *New.*

Section 88. It is desirable that it be definitely established that where the law requires a council to obtain the assent of the electors to any proposed undertaking or debt, no backdoor of escape is open by means of appeal to the board.

PART VI

SPECIAL JURISDICTION OVER DEFAULTING MUNICIPALITIES

Inter-
pretation.**89.** In this Part,—“Improved
land.”

- (a) “Improved land” shall mean any parcel of land separately assessed which has a building thereon, and shall include any land in actual use for agricultural purposes, although there is no building thereon;

“Registrar.”

- (b) “Registrar” shall mean the registrar of a registry office;

“Registry
Office.”

- (c) “Registry Office” shall mean the registry office of the registry division for the county in which a municipality subject to this Part is situate;

“Super-
visors.”

- (d) “Supervisors” shall mean a committee of supervisors appointed for a municipality under this Part.

“Vacant
Land.”

- (e) “Vacant Land” shall mean any parcel of land separately assessed, which has no building thereon, but shall not include any improved land.

Special
municipal
jurisdiction
of board.When
exercisable.

90. The board shall have and may exercise the special jurisdiction and powers conferred by this Part, whenever, upon request of a municipality, expressed by resolution of its council, or upon request of the creditors of a municipality having claims representing not less than twenty per centum of its indebtedness, including debenture debt, it is satisfied upon inquiry that the municipality has,—

Default
in meeting
debenture
debt.

- (a) failed to meet and pay any of its debentures or interest thereon as the same became due and after payment thereof has been duly demanded; or

Default
in meeting
other in-
debtedness.

- (b) failed to meet and pay any of its other debts or liabilities when due and default in payment is occasioned from financial difficulties affecting the municipality; or

Financial
difficulties
rendering
default
probable.

- (c) become so financially involved or embarrassed that default in meeting any of its obligations may probably ensue.

Partial or
full inquiry.

(2) In the course of an inquiry the board may investigate any or all of the affairs of a municipality.

EXPLANATORY NOTES

GENERAL.—Hitherto there has been no contemplation in any general statute of the Province that any Ontario municipality would default in meeting its obligations, and consequently neither the Lieutenant-Governor in Council, the Railway and Municipal Board, the Director of the Bureau of Municipal Affairs or any court, body or person has been clothed with any authority to deal with the situation which ensues when default occurs, as it has occurred in recent months in a few of our municipalities.

The situation is too serious and the effects which may flow likely to be too disastrous if the consequences of default cannot quickly be remedied, and the results not only affect the defaulting municipality, its ratepayers and creditors, but also prejudice the whole system of municipal institutions in the Province and the credit of municipalities generally.

In other provinces general legislation to cope in an ample manner with similar situations has been in force for some years with very salutary effect, and Quebec has during the present year introduced legislation of much the same character.

The provisions of this Part of the revised *Municipal Board Act* will apply not only with respect to municipalities now in default but to others which may be unfortunate enough to follow so that prompt and adequate steps may be taken to prevent dangerous consequences, to put into effect proper measures of financial control, to enable refinancing schemes to be brought about and generally to ensure that the municipality will be restored to a position of soundness as quickly as possible.

The provisions have been drafted after a very careful study of similar legislation in force in other provinces and after consultation with authorities who have had first-hand experience of the functioning of such legislation.

It has been attempted to legislate in light of such experience but upon a basis adapted to the needs of Ontario municipalities, and pitfalls and weakness in other similar legislation have been avoided as far as possible.

Generally speaking, the scheme set forth will originate by an inquiry of the Municipal Board upon representation that default has occurred or is likely to ensue and if the board is satisfied that the circumstances so require it will make an order declaring the municipality subject to this Part and vest control over administration of its affairs and of the various local boards thereof in the hands of a Committee of Supervisors appointed by the board and subject to its jurisdiction, and the supervisors will function as set forth in the several provisions of this Part.

Section 90. Indicates that the board will act on application of the municipality or a percentage of creditors and where the board is satisfied that default has occurred or may probably occur the special provisions of this Part will then come into play.

Power of
board to vest
control over
municipal
adminis-
tration in
supervisors.

91.—(1) If upon inquiry the board is of opinion that the circumstances so warrant or appear to render desirable, it may make such order as it may deem proper or necessary to vest in supervisors control and charge over the administration of all or any of the affairs of the municipality as set forth in the order and to declare that thereafter and until the board shall otherwise determine and order such municipality shall be subject to the provisions of this Part.

Appoint-
ment of
committee
of
supervisors.

(2) The board shall forthwith appoint a committee of supervisors for the municipality to be known as "The Supervisors of the.....of....." (*naming the municipality*), to be composed of five persons, two of whom shall be nominated by the council, to be appointed by the board, two of whom shall be appointed by the board to represent the creditors of the municipality and the remaining one of whom shall be an independent person to be appointed by the board and he shall be the chairman of the committee.

Council to
submit the
names.

(3) The board may require the council to submit the names of more than two nominees from whom to appoint the two to be appointed to represent the municipality.

Vacancy.

(4) Where a vacancy occurs in the office of a supervisor the board shall fill the vacancy, but in so doing shall observe the provisions of subsection 2.

Failure to
nominate
supervisors.

(5) Where a municipality fails to nominate supervisors within thirty days after being requested to so do, the board shall appoint the same without nomination being necessary.

Supervisors
deemed to
be appointed
by board.

(6) Notwithstanding the provisions of subsections 1 and 3, each of the supervisors shall be deemed to be appointed by the board and each of them shall hold office during the pleasure of the board.

Supervisors
to be a
continuing
body.

(7) The supervisors shall be a continuing body notwithstanding any vacancy therein.

Powers of
supervisors.

92.—(1) Subject to the jurisdiction of the board, the supervisors shall have and may exercise the powers conferred on them by this Part and such additional powers as by any order of the board or by the terms of any agreement entered into under the authority of this Part may be conferred on them, and may do all things necessary or incidental to the exercise of any such powers.

Powers of
supervisors,
how
exercisable.

(2) The powers of the supervisors shall be exercised by resolution of the committee, and the committee may with the approval of the board adopt such rules of practice and pro-

Section 91. This section provides for the creation of a Committee of Supervisors to be appointed by the board to have control over the affairs of a municipality subjected to this Part.

The supervisors will be five in number appointed by the board to represent the municipality and its creditors and the members will hold office at the pleasure of the board.

The municipality will nominate representatives either the two required or a list from which two can be chosen by the board. The creditors will have two representatives and the fifth will be an independent person to hold the balance so that equitable consideration of all interests will be protected.

Section 92—(1) It may be necessary from time to time to amplify the powers of the supervisors in such matters of detail as cannot be set out at length in the Act or which are not possible to be foreseen.

Subsection 2* presents the manner in which the supervisors will act.

cedure governing the meetings, transactions and exercise of the powers of the supervisors as may from time to time be deemed expedient.

Appeal to boards.

93. The council or any local board or any creditor of either of them dissatisfied with any order, direction or decision of the supervisors may within fifteen days, or such further time as the board may allow, appeal therefrom to the board.

Notice to be given of subjection of municipality to this Part.

94. Where a municipality has become subject to the provisions of this Part, notice thereof shall be given in the *Ontario Gazette* and in such one or more newspapers, published in or near the municipality and elsewhere and to such persons and in such form as the board may direct.

Stay of actions against municipality without leave of board.

95.—(1) When notice has been published in the *Ontario Gazette* that a municipality is subject to this Part, such publication shall operate as a stay of all actions or proceedings pending against the municipality and as a stay of execution as the case may be, and thereafter no action or other proceeding against the municipality shall be commenced or continued nor shall a levy be made under a writ of execution against the municipality, without leave of the board.

Suspension of operation of statutes of limitation.

(2) Where the commencement or continuance of any action or proceeding or the making of any levy under a writ of execution is prevented or stayed under this section, the time during which such prevention or stay continues shall not be computed for the purposes of any Statute or law of limitations until leave of the board to commence or continue such action or proceeding or make such levy is obtained but the person having the right of action or to take any proceeding or to make a levy under a writ of execution shall upon the removal of the prevention or stay, have the same length of time within which to take action or proceed or make a levy under a writ of execution, as the case may be, as he had when such prevention or stay came into operation; provided that this subsection shall not apply unless application is made to the board for approval of the continuance or commencement of any such suit, action or proceeding, within the time so limited as aforesaid by statute or law of limitations and such approval is refused.

Existing liens not taken away.

96. Nothing in this Part contained shall take away any lien, hypothec or other charge, if any, in existence and subsisting at the time this Part comes into force with respect to any municipality upon or against any revenue or other asset of the municipality and the same shall continue to exist until it is satisfied and discharged.

Control exercisable by supervisors.

97. The supervisors shall with respect to the municipality and every local board thereof have control and charge over

Section 93. This section makes provision for appeal to be taken to the board from decisions of the supervisors. This is a safeguard to all concerned and should ensure a feeling of confidence in the scheme.

Section 94. It is advisable that proper notice be given of the fact that a municipality has become subjected to this Part, so that creditors and all concerned may govern themselves accordingly.

Section 95. This is one of the important and most essential provisions, as unless a municipality which is subjected to this Part is absolutely freed from litigation and judgments, there will be no possible chance for reorganization of its affairs and escape from the consequences of default.

Provision is made that by leave of the board such actions as are proper may be brought to determine rights which may have to be definitely ascertained or to protect valid claims.

Furthermore, subsection 2 protects claimants from being barred by statutes of limitation when actions are stayed under this section.

Section 97. As will be seen from an examination of this section, control is vested in the supervisors over all matters which in anyway pertain to the financial affairs of the municipality and its local boards. This is essential to the success of any scheme to bring the municipality out of the "slough."

the exercise by any of them of any of their powers with respect to,—

- | | |
|-----------------------------------|---|
| Municipal officers. | (a) the appointment and dismissal of its officers, employees and servants, and their powers, duties, salaries and remunerations; |
| Revenues and expenditures. | (b) the collection, receipt, application and payment of its revenues and expenditures; |
| Accounting and audit. | (c) the system of accounting and audit, and the dealing with its assets, liabilities, revenues and expenditures; |
| Assessment. | (d) the making of and the manner and times for making the assessment and assessment rolls and of appeals therefrom; |
| Estimates. | (e) the yearly or other estimates and the form, preparation and completion thereof, and the times when the same shall be made; |
| What estimates shall include. | (f) the amounts to be provided for and included in the yearly or other estimates, whether the same are to be provided by taxation or otherwise; |
| Rates and collection thereof. | (g) the imposition, rating, levying and collection of all rates, assessments and taxation, the mode and times for collecting the same and the allowance of discounts or imposition of penalties thereon, and for the making and return of the collector's roll; |
| | (h) borrowing of moneys for the current expenditures of the corporation until the taxes are collected; |
| Utility rates. Rev. Stat., c. 57. | (i) subject to <i>The Power Commission Act</i> , the rates, rents and charges imposed, levied or collectible for supply or service of any public utility; |
| License and permit fees. | (j) imposition, charging and collection of all license permit or other fees, charges and expenses; |
| Sale of assets. | (k) the sale or other disposition of any of its assets; and |
| General. | (l) without being limited by the foregoing, generally with respect to any other matter in any way affecting or pertaining to its affairs and their administration. |

Powers
of board with
respect to
debt.

98. Where a municipality has become subject to this Part the board, with respect to the debenture debt and debentures of the municipality and interest thereon and with respect to any other indebtedness thereof, shall have power to authorize and order,—

- (a) consolidation of the whole or any portion thereof;
- (b) issue of debentures in payment and satisfaction of the whole or any portions of such other indebtedness or any portion or portions thereof, and compulsory acceptance of such debentures in payment and satisfaction thereof;
- (c) issue of new debentures to cover any such consolidation;
- (d) issue of new debentures in substitution and exchange for any outstanding debentures and compulsory acceptance thereof by the holders of such outstanding debentures;
- (e) retirement and cancellation of the whole or any portion of the existing debenture debt and outstanding debentures, upon the issue of new debentures to cover the same or in exchange therefor;
- (f) terms, conditions, places and times for exchange of new debentures for outstanding debentures;
- (g) postponement of or variation in the terms, times and places for payment of the whole or any portion of the debenture debt and outstanding debentures and other indebtedness and interest thereon and variation in the rates of such interest;
- (h) cancellation, increase, decrease or other variation in the levy and collection of any assessment, rate or taxation, rent or charge imposed to meet, pay and discharge any debenture debt, debentures, or other indebtedness, and interest thereon, and to vary the basis, terms and times of payment thereof;
- (i) creation and setting aside of sinking funds and special reserves out of any portion of the revenues of the municipality for meeting, paying and discharging its debenture debt, debentures, or other indebtedness or any portion thereof or interest thereon;

Section 98. Undoubtedly the salvation of a defaulting municipality, protection of the interests of its ratepayers and creditors and eventual restoration to financial strength will depend upon authority and ability to evolve some satisfactory scheme of reorganization of the municipal debt, including in some instances the compulsory substitution of new debentures for old, variation in maturities, interest rates, postponement of payment, relief to the taxpayer from overburdensome rates, etc.

This section makes ample provision for putting into effect such scheme as may after careful study be found to be the one required to meet the circumstances. The scheme may be based upon representations to and inquiry by the board or under an agreement worked out between the supervisors and the creditors ratified by the board.

- (j) custody, management, investment and application of sinking funds, reserves and surpluses;
- (k) ratification and confirmation of any agreement, arrangement or compromise entered into with its creditors or any of them respecting its debenture debt, debentures or other indebtedness or any portion thereof and interest thereon;
- (l) any variation, amendment or cancellation of any order made by it under this section or of the terms of any agreement, arrangement or compromise ratified and confirmed by it under this section.

Separate
school
board.

99. The board upon the application of the separate school board shall have power to make orders under and in accordance with the provisions of section 98 with respect to the debenture debt, debentures and other indebtedness of the separate school board and interest thereon.

Notice of
intention to
exercise
powers to be
published in
Ontario
Gazette.

100.—(1) Where the board upon its own initiative or upon application to it by the supervisors, the council, local board, or any of the creditors of the corporation or of any local board intends to exercise any of the powers conferred on the board under section 98, it shall before so doing, give or direct that there be given notice of such intention in the *Ontario Gazette* and by such other publication and to such persons and in such manner as to the board may seem proper, and such notice shall state the time and place when the matter is to be dealt with by the board, which time shall be not less than three months after the notice is published in the *Ontario Gazette*.

Subsection 1
not to apply
to matters
incidental to
exercise of
powers.

(2) The provisions of subsection 1 shall not apply with respect to any matter which is merely incidental to the exercise of any of said powers.

Objection
to be filed
with board.

(3) The board shall not make any order under section 98 if objection in writing to the making of such order is filed with the board by creditors representing not less than one-third in amount of the aggregate of the indebtedness of the municipality, including therein debenture indebtedness but excluding therefrom indebtedness in respect of which the municipality is not directly but only contingently or collaterally liable.

Approval by
creditors.

(4) If creditors representing not less than fifty-one per centum in amount of the aggregate of the indebtedness of the municipality, including therein debenture indebtedness but excluding therefrom indebtedness in respect of which the municipality is not directly but only contingently or collaterally liable, have in writing filed with the board their approval of the making of any order of the board under section 98, it shall not be necessary that any notice be given under subsection 1 of the intention of the board to exercise its power

Section 99. Covers the situation as it affects a separate school board which issues its own debentures independently of the council.

Section 100. To protect the interests of all who may be affected by any scheme propounded under section 98, this section provides for ample notice being given of applications to the board to authorize refinancing schemes, unless in advance a scheme has been arrived at by agreement with at least a majority of the creditors as provided in subsection 4.

Subsection 3 prevents any scheme being put into effect if opposed by one-third of the creditors, so that the voice of a substantial minority is given consideration.

to make such order, and in such case the provisions of subsection 3 shall not apply.

Debenture debt not to form part of debt after order of board.

101. After an order of the board has been made under section 98 no portion of the debenture debt of the corporation represented by debentures ordered to be cancelled, retired or exchanged shall form part of its debt within the meaning of any Act limiting its borrowing powers.

Supervisors may arrange to vary or cancel subsisting agreements.

102. The supervisors may, with the approval of the board, enter into agreements with any person with whom the municipality has previously entered into any agreement, contract or obligation which or some term, provision or obligation of which remains in whole or in part or in any manner to be observed, performed or carried out by the municipality, for the variation, amendment or cancellation of any such subsisting agreement, contract or obligation.

Board to approve debenture issues.

103.—(1) The corporation shall not, under the provisions of any special or general Act, exercise or be required to exercise any of its powers if such exercise will or may require money to be provided by the issue of debentures of the corporation, without the approval of the board first being obtained.

Approval of debenture by-laws.

(2) The corporation may, with the approval of the board, pass by-laws providing for the issue of debentures and to authorize the hypothecation or sale thereof, but no such by-law shall have any force and effect until approved by the board.

(3) The provisions of sections 83, 84, 85 and 86 of this Act shall apply.

Assent of electors not requisite.

104. It shall not be necessary that the assent of the electors of the municipality or of those thereof qualified to vote on money by-laws be obtained with respect to any by-law of the corporation or the issue thereunder of any debentures if such by-law is approved by the board.

Supervisors to have control over moneys and their application.

105. The supervisors shall have full charge and control over all moneys belonging to the corporation and received by any person for or on its behalf and such moneys shall be deposited in a chartered bank to be designated by the supervisors and when so deposited shall only be applied, used, transferred and withdrawn for such purpose in such manner and at such time or times as the supervisors may approve and direct, and all cheques drawn and issued by the corporation shall be signed and countersigned by such persons and in such manner as the supervisors may authorize.

Section 101. This is necessary to prevent the original debt being counted as well as the new debt created by way of substitution.

Section 102. When supervisors take office they may find some existing contracts which it is desirable to get away from if the other parties thereto are found agreeable.

Section 103. In view of default having occurred it is essential that the municipality be prevented from incurring further debt without the consent of the board. When such consent is given it is highly desirable that debentures issued be validated beyond question.

Section 104. The circumstances of default require that the assent of the electors be dispensed with when the board's approval is present.

Section 105. This is an important section and ensures that the funds of the corporation will be available to apply in a manner that will protect all vital services, to carry out schemes adopted and to obtain equitable distribution among the various interests affected.

Approval of
supervisors
necessary to
levy rate.

106. Notwithstanding the provisions of any general or special Act no rate, assessment, or amount shall be imposed, rated, levied or directed so to be upon the rateable property within the municipality or upon any part thereof unless the approval thereto of the supervisors has first been obtained.

Court of
Revision.
Rev. Stat.,
c. 238.

107. Notwithstanding anything in *The Assessment Act* contained, the court of revision for the municipality shall consist of three members to be appointed annually by the council with the approval of the supervisors and the members need not necessarily be members of the council.

Return of
collector's
roll.

108. The collector shall return his roll to the treasurer on or before such day in the year next following the year in which he received it as the supervisors may direct, and the treasurer shall as of the same day in every year add or commence to add the penalties or interest which under the provisions of *The Assessment Act* would be added on the 1st day of May in every year.

Rev. Stat.,
c. 238.

Vesting of
vacant lands
in arrears
for taxes.

109.—(1) Where any part of the taxes on any vacant land within the municipality remains unpaid on the 31st day of December in the year next following that in which the taxes were levied, such vacant land shall be vested in and become the property of the corporation upon registration by the treasurer of a tax arrears certificate, subject to the right of redemption hereinafter provided and to the provisions of subsection 5.

Vesting of
improved
lands in
arrears for
taxes.

(2) Where any part of the taxes on improved land within the municipality remains unpaid on the 1st day of January in the third year following that in which the taxes were levied, such improved land shall be vested in and become the property of the corporation upon registration by the treasurer of a tax arrears certificate, subject to the right of redemption hereinafter provided and to the provisions of subsection 5.

Registration
of tax arrears
certificate.

(3) The treasurer, with respect to vacant land upon which any part of the taxes remain unpaid after the time mentioned in subsection 1 and with respect to improved land upon which any part of the taxes remains unpaid after the time mentioned in subsection 2, may register in the registry office a certificate to be known as a tax arrears certificate, Form 1 to this Act, setting forth therein a description of such vacant land or improved land, as the case may be, and the amount of such unpaid taxes, with the amount of all penalties, interest and costs added thereto, and thereupon the land described in the certificate shall be vested in and become the property of the corporation, its successors and assigns, in fee simple or otherwise according to the nature of the estate

Section 106. It is necessary that the sole rating authority be the supervisors.

Section 107. If satisfactory financial control is to be obtained and proper assessment assured to meet the circumstances which affect property values in a defaulting municipality, the supervisors should nominate the court of revision.

Section 108. Circumstances may require that the standard dates fixed by the general law for return of collector's rolls be departed from.

Sections 109 and 110. One of the chief problems which most defaulting municipalities will have to face is the question of tax arrears and their recovery, and the avoidance of the long drawn out wait of from four to seven years which must elapse if the tax sale provisions of *The Assessment Act* had to be followed to get rid of non-revenue producing properties.

At the present time in some of the municipalities which have defaulted the total inability to collect taxes from thousands of vacant lots is a veritable millstone around their necks, as until title is vested elsewhere than in the present owners such properties have to be carried on the tax rolls and rated, and at the same time due allowance made for non-collection. In some municipalities the whole proceeding is farcical and a sheer waste of money.

Furthermore, the eventual bringing to sale of such properties is proving more than the proceeds derived at the sale. In one municipality if a tax sale has to be held in the ordinary course it will cost in advertising alone prior to the sale over \$12,000 and a careful estimate discloses that only a small percentage of that sum will be realized.

It has been found by actual experience that even in the case of improved properties it is almost impossible to make a sale because the speculative buyer who was the backbone of a tax sale is no longer present.

For the foregoing and other sufficient reasons it is very desirable that a new and simplified method be achieved whereby non-revenue producing properties will be vested in the municipality subject to an equitable right of redemption, and the provisions of these two sections set up a scheme with these objects in view.

As will be seen section 109 enables title by a simple and inexpensive method to be vested in the municipality when there is one year's arrears on vacant lands and two years' arrears on improved lands. Upon registration of the vesting certificate notice is to be given to the owner and all incumbrances shown by the registry office records. Section 110 specifies that the property may be redeemed within one year without the usual extra penalty of ten per cent. under the general law when a tax sale is made. Upon redemption title reverts as it was prior to the municipality being vested with title, just as happens on registration of a discharge of mortgage.

right, title and interest whatsoever of the owners thereof at the time of such vesting, and clear of and free from all such estate right, title and interest, and all charges and encumbrances thereon and dower therein, subject only to the said right of redemption hereinafter provided and to the provisions of subsection 5.

Notice of
registration
of
certificate.

(4) Immediately upon registration of a tax arrears certificate, the treasurer shall cause to be sent by registered mail to the last known address of the assessed owner of the land therein described and to all persons appearing by the records of the registry office to have an interest therein a written notice, Form 2 to this Act, of the registration of such certificate and of the last day for redemption of such land.

Interest of
Crown not
affected.

(5) Where the Crown, whether as represented by the government of Canada or the government of the Province of Ontario, has any interest in any land in respect of which taxes are in arrear, the interest only of the persons other than the Crown therein shall be vested in the corporation by the registration of a tax arrears certificate, and where such interest is that of a lessee, licensee or locatee, such vesting shall be valid without requiring the consent of the Minister of Lands and Forests.

Right of
redemption.

110. The owner of or any person appearing by the records of the registry office to have an interest in any vacant land or improved land in respect of which a tax arrears certificate has been registered may redeem the same at any time within one year after the date of registration of the certificate by paying to the corporation the amount set forth in such certificate in respect of the land to be redeemed, together with the amount of all expenses incurred by the corporation and the treasurer in registering the certificates and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 109, and also by paying to the corporation all taxes including the local improvement rates and interest thereon which would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement,

and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Registration
of
redemption
certificate.

(2) Upon redemption being made under this section, the treasurer shall forthwith register in the registry office a certificate to be known as a redemption certificate, Form 3 to this Act, setting forth therein a description of the land redeemed, and a redemption certificate shall, subject to subsection 3, when registered, be as valid and effective in law as a conveyance of the land described therein to the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, of the original estate of such registered owner and a valid and effectual cancellation of the tax arrears certificate registered with respect to such land.

Lien on
redemption
by other
than owner.

(3) If land is redeemed by any person entitled to redeem the same other than the owner such person shall have a lien upon the owner's interest therein for the amount paid to redeem the said land.

Duty of
registrar.

111.—(1) Every certificate registered under sections 109 and 110 shall be entered by the registrar in the registry book in its proper order and in the proper abstract index provided under *The Registry Act*.

Fees of
registrar.

(2) The registrar shall be entitled to the following fees for registration of a certificate under sections 109 and 110 and for searches made for the corporation for the purposes of section 109 and no others:

- (a) For registering a tax arrears certificate, \$2.00;
- (b) For registering a redemption certificate, .50c.;
- (c) If either certificate embraces more than one parcel of land, for each additional parcel over one, .05c.;
- (d) For each search made for the corporation for the purposes of section 109 five cents for each lot searched, but in no case to be more than \$5 for a search in respect of the lands described in any one tax arrears certificate.

Land
transfer tax
not payable.
Rev. Stat.,
c. 31.

(3) No tax shall be payable under the provisions of *The Land Transfer Tax Act* on registration of any tax arrears or redemption certificate.

Right of
appeal of
supervisors.
Rev. Stat.,
c. 238.

112.—(1) The supervisors shall have the same right of appeal as any person assessed has under subsection 3 of section 72 of *The Assessment Act* with respect to the assessment roll of the municipality.

Section 111. It is necessary to provide that a Registrar of Deeds be entitled to reasonable fees for his services in registering certificates, etc., under sections 109 and 110.

Subsection 3 is to avoid liability for land transfer tax upon registration of certificates under sections 109 and 110, having regard to the fact that such transactions are not really a sale of property.

Section 112. Experience has shown that no effective control to enable an adopted scheme to be worked out as planned is safe unless there is a right on the part of the supervisors to take general appeals against assessment rolls. This section with proper safeguards as to notice, etc., provides for this being done.

(2) An appeal by the supervisors under this section may be made at any time within twenty days after the return of the roll and such appeal may be with respect to any particular assessment or omission to assess or generally with respect to all of the assessments included in the roll or any area of the municipality described in the notice of appeal or generally with respect to assessments of land only or buildings only or income or business included in the roll or in any area of the municipality defined in the notice of appeal.

(3) The supervisors shall have the same right of appeal from any decision of the court of revision or county judge as a person assessed has under *The Assessment Act*.

(4) Save as provided in subsection 2, in any appeal against a particular assessment by the supervisors the practice and procedure thereon shall be the same as in the case of an appeal by a person assessed.

Practice and
procedure in
general
appeal.

(5) In any general appeal by the supervisors under the authority of this section the practice and procedure shall be determined by the court of revision, county judge or the board, as the case may be, and such notice or notices of the appeal shall be given by publication or otherwise as may be determined by the court, judge or board and upon the hearing of any such general appeal the court, judge or board shall have jurisdiction to review any or all of the assessments included in the roll as may be necessary to determine the appeal and may make any changes, alterations and amendments therein, and also to direct the making of a new assessment roll in accordance with the terms of the order of the court, judge or board.

Compromise
of tax
arrears.

113. The supervisors may authorize a compromise of tax arrears to be entered into between the corporation and any ratepayer and in such compromise may provide for an extension of the time of payment of such arrears and a reduction of the amount thereof and acceptance of any debentures or debenture coupons of the corporation in satisfaction of the whole or part thereof.

Effect of
agreements.

114. Any agreement entered into in accordance with the provisions of this Part shall be binding upon and enure to the benefit of the parties thereto and all persons over whom the Legislature of this province has legislative authority.

Power of
housing
commission
to amend
agreements.

115. The housing commission may with the approval of the board, amend the terms of any agreement for sale of property heretofore or hereafter entered into by it and with respect to property sold under any agreement which has been cancelled

Section 113. One of the principal causes of municipal default is the large amount of apparently uncollectible taxes on vacant lands. It has been found in other provinces that where the right to compromise is present that a large sum has been collected which otherwise would not have been possible and thereby a way of escape has been opened to avoid the municipality from going into the real estate business to an appreciable extent.

With the approval of the board being a pre-requisite to any scheme of compromise, it is desirable to introduce these provisions into this Part.

Section 114. If agreements are made under this Part particularly in respect of refinancing schemes, issue of new debentures in exchange for outstanding debentures, etc., it is essential that such agreements be fully effective for all purposes and universally binding.

This provision is similar to that contained in corresponding legislation of other provinces.

Section 115. In many cases payments under municipal housing agreements have become too onerous, and if adjustments could be made arrears would not accumulate.

or determined may enter into new agreements for sale thereof, and the terms of any such amended or new agreement may be such as the board may approve.

Exercise of
municipal
jurisdiction
subject to
this Part.

116. The jurisdiction and powers of a municipality subject to this Part exercisable under the provisions of any general or special Act shall only be exercised in accordance with and subject to the provisions of this Part and of any order of the board made, direction of the supervisors given and agreement entered into thereunder.

Exclusive
jurisdiction
of board.

117.—(1) The board shall have exclusive jurisdiction as to all matters arising under this Part or out of the exercise by the corporation or any other person of any of the powers conferred by this Part, and such jurisdiction shall not be open to question or review in any action or proceeding or by any court.

Supervisors'
directions
subject to
review by
board.

(2) The board may at any time of its own initiative or upon application made to it review any order, direction or decision of the supervisors and confirm, amend, vary or revoke the same.

Orders of
board final.

(3) Any order made or approval given by the board under this Part shall, subject to the right of the board to review and amend or revoke the same, be final and conclusive and not open to question in any court, except by leave of the board.

Powers of
board.

118. The board may make such orders and prescribe such forms from time to time as it may deem necessary to carry out the provisions of this Part or any agreement made in pursuance thereof and make rules and regulations in respect of applications, matters and things under this Part.

Forms of
certificates,
notices, etc.

119. Every certificate, notice or other form which is in substantial conformity with the form thereof required by the provisions of this Part or prescribed by the board, shall not be open to objection on the ground that it is not in the form required by the provisions of this Part or as prescribed by the board.

Powers
exercisable
for and in
name of
municipality.

120. Where a municipality has become subject to this Part, all acts, deeds, matters and things done, made or performed by or for the board or by or for the supervisors under this Part, in relation to the affairs of such municipality shall for all purposes be deemed to have been made, done and performed by and for the municipality and in its name.

Boards and
supervisors
to have
access to all
books and
records.

121. The board and the supervisors shall have access at all times to all books, records, papers and documents of the municipality and of every local board, including but without

Section 116. In view of the fact that a municipality is in default, it is necessary to curb the exercise of its statutory powers to accord with this Part.

Section 117. By reason of the emergencies and unusual features of many of the situations and conditions which develop in the case of a defaulting municipality and the gradual working out of its problems, it is necessary that the board have exclusive jurisdiction and freedom from appeals.

Sections 118 and 119. Self explanatory.

Section 120. It is desirable that all transactions of the board and the supervisors be in the name of the municipality.

Section 121. To enable the board and supervisors to function ready access to all records of the municipality should be obtained.

limiting the generality of the foregoing, all assessment rolls, collectors' rolls, by-laws, minute books, books of account, vouchers, and other records, papers and documents relating to its and their financial transactions, and may inspect, examine, audit and copy the same or any part thereof.

Powers
of board to
enforce
orders.

122.—(1) Where a municipality has become subject to this Part, and its council or any local board fails, neglects or refuses to comply with any order, direction or decision of the board or the supervisors, the board may upon such notice, if any, as it may prescribe, do or order done all acts, deeds, matters and things necessary for compliance with such order or direction, and may exercise all the powers of the municipality or local board for such purpose and under its or their name and seal.

Liability of
members of
council and
local boards
for non-
compliance
with orders
and direc-
tions.

(2) The council and every local board thereof, and every one of its or their members, officers, employees and servants shall comply with the orders, directions and decisions of the board or the supervisors in any matter relating to the administration of the affairs of such municipality or local board and, any such person who knowingly or wilfully fails, neglects or refuses to observe and comply with any such order, direction or decision, or who, as a member of the council or local board, votes contrary thereto shall incur a penalty of not less than \$25 and not more than \$500 for each offence, recoverable under *The Summary Convictions Act*, and any penalty so recovered shall belong to the general funds of the municipality.

Rev. Stat.,
c. 121.

Personal
liability
and disquali-
fication of
members of
council and
local boards.

(3) If a municipality subject to this Part applies any of its funds otherwise than as ordered or authorized by the board or the supervisors, the members of the council or local board who vote for such application shall be jointly and severally liable for the amount so applied, and the same may be recovered in any court of competent jurisdiction, and such members shall also be disqualified from holding any municipal office for five years.

Dismissal of
municipal
officers
for non-
compliance
with orders
and direc-
tions.

123. The board may dismiss from office any officer, employee or servant of a municipality who fails, neglects or refuses to carry out any order, direction or decision of the board or the supervisors.

Injunction
against
exercise of
municipal
powers
when not
approved
by board.

124. The board may by injunction proceedings instituted in its own name prevent or stop the exercise by or for a municipality of any of its powers which have not been approved by the board or the supervisors, when such approval is required under this Part.

Section 122. This section contains necessary penalizing provisions to have the board's orders and supervisor's controlling directions enforced, and to throw upon members of council and local boards a proper onus to carry out what is requisite in the interests of the municipality and its ratepayers. Due protection is given to members of council and local boards who act innocently and not knowingly or wilfully.

Section 123. It would be impossible to work out any scheme to rescue a defaulting municipality unless full co-operation of officials is obtained. Hence the necessity for dispensing with the services of any who become obstructionists.

Section 124. In rare instances it may be necessary to prevent some action or enterprise being undertaken which would imperil or hamper the working out of any scheme of reorganization by resort to injunction proceedings.

Supervisors
may
combine
municipal
offices.

125. The supervisors may direct that any one or more of the offices of the municipality shall be combined and held by the same officer, and may subsequently separate any of the offices so combined.

Salary and
expenses of
supervisors.

126.—(1) The board may direct payment to the supervisors or any of them of such salary, fees, or remuneration and travelling and other expenses reasonably incurred by them as the board may determine.

Supervisors'
officer.

(2) The supervisors with the approval of the board may appoint some person who may be one of the supervisors or an officer of the corporation to exercise such powers and duties as the order of the board may provide, and the person so appointed shall be paid such salary and allowed such travelling and other expenses as the board may determine.

Council may
be heard
as to
salaries.

(3) The board in determining the salaries to be paid to the supervisors or to any person appointed by them under subsection 2 shall give consideration to such representations with respect thereto as the council may at any time make.

Salaries and
expenses to
be paid by
municipality.

(4) All salaries, fees, remuneration, travelling and other expenses payable to the supervisors under this section and all other expenses incurred by the board or the supervisors in the carrying out the provisions of this Part or in the exercise of their powers thereunder shall be paid by the corporation or local board, as the case may be, and be chargeable to such of its accounts as the supervisors may direct.

Supervisors
protected
from
liability.

127. The supervisors or any of them shall not be liable for any act or omission of them or any of them or of any person appointed or employed by them or any of them whatsoever save and except an act or omission involving his own fraud. No suit, action or other proceeding shall be brought against the supervisors or any one or more of them for anything done or omitted to be done or purported to be done by them, or any of them, in the carrying out of the provisions of this Part, save and except for an act or omission involving his or their fraud.

Provisions
of this Act
to prevail.

128. The powers contained in this Part shall be deemed to be in addition to and not in derogation of any power of the board and the municipality under this or any other Act, but where the provisions of any general or special Act or any other Part of this Act conflict with the provisions of this Part, the latter shall prevail.

Board may
end applica-
tion of this
Part.

129. Where the board is of opinion that the affairs of a municipality no longer require to be administered under this Part, it may make an order directing that on, from and after

Section 125. Both from a standpoint of efficiency and economy it will be found desirable in many cases to combine municipal offices.

Section 126. While it is not contemplated that all the supervisors will have to be paid salaries it may be necessary to provide adequate compensation for the one of them upon whom the chief burdens are laid, and of course all reasonable expenses incurred should be reimbursed. Experience elsewhere establishes that expenses of supervision has not only been on a moderate scale, but compared with results obtained it has been a highly profitable expenditure in the interests of the ratepayers.

Section 127. This provision is in accord with usual practice when bodies are specially created and charged with statutory duties of a public nature, so that in anything which they honestly perform they do not subject themselves to personal liability.

Section 128. The necessities of the situation which arise on default of a municipality require that the special provisions of this Part which create departures from the general law should prevail in case of conflict.

Section 129. The day will come when a municipality subjected to this Part is restored to financial soundness, and thereupon it should resume its ordinary status and the special control exercised under this Part should cease.

a date fixed thereby the provisions of this Part shall no longer apply to the municipality and on, from and after such date the board and the supervisors shall cease to exercise jurisdiction and control over the municipality under this Part, and the committee of supervisors shall thereupon be dissolved.

PART VII

RAILWAY AND UTILITIES JURISDICTION

Jurisdiction
of board.

130. The board shall have jurisdiction and power to,—

Railway
and utility
matters.

- (a) enquire into, hear and determine any applications made, proceedings instituted and matters brought before it under the provisions of any general or special Act relating to railways or public utilities or any of them where by such Act any jurisdiction or power is for such purpose conferred on the board;

Complaints
of breach of
railway or
utility
statutes,
orders,
agreements,
etc.

- (b) hear and determine any application with respect to any railway or public utility, its construction, maintenance or operation by reason of the contravening or failure to comply on the part of any person, firm, company, corporation or municipality of or with the requirements of this or any other general or special Act, or of any regulation, rule, by-law or order made thereunder; or of any agreement entered into in relation to such railway, or public utility, its construction, maintenance or operation;

Railway
and public
utility rates
and tolls.

- (c) hear and determine any application with respect to any tolls charged by any person, firm, company, corporation or municipality operating a railway or public utility in excess of those approved or prescribed by lawful authority, or which are otherwise unlawful, unfair or unjust. *R.S.O. 1927, c. 225, s. 20, amended.*

Jurisdiction
over
receivers,
liquidators,
etc., of
railway or
public
utility.

131. The fact that a manager or other official or the liquidator or receiver of a railway or public utility is managing or operating or liquidating it under the authority of any court shall not be a bar to the exercise by the board of any jurisdiction or power conferred by this or any other general or special Act; and every such manager, official, liquidator or receiver shall be bound to manage, operate or liquidate such railway or public utility in accordance with this Act and under the orders and directions of the board, whether general or referring particularly to such railway or public utility, and he and every person acting under him shall obey all orders and directions of the board with respect to such railway or

PART VII

EXPLANATORY NOTES

GENERAL.—The provisions of this Part deal with the jurisdiction of the board in respect of railway and public utility matters, including labour disputes.

The references to the present Act noted at the end of each section indicate that there is no change in the substance of the present law and explanatory notes appear to be unnecessary.

public utility and be subject to have them enforced against him by the board, notwithstanding his authority or any order of the court under which he is appointed or acts. *R.S.O. 1927, c. 225, s. 20 (5), amended.*

132.—(1) Wherever,—

Powers, etc.
of Railway
Committee
transferred
to Board.

(a) any power or authority is given to or duty imposed upon the Railway Committee of the Executive Council of Ontario by any Act or document;

Location of
line.

(b) by any Act of this Legislature the location of any line of railway or the route and course thereof, or the maps, plans, and specifications, or any part of the equipment are subject to the approval of the Lieutenant-Governor in Council or of any of his Ministers;

such power or authority may be exercised and such duty shall be performed and such approval may be given by the board.

Furnishing
information.

(2) Whenever in any Act it is provided that any railway company shall, during construction of any line of railway, furnish such information as to the location and plans of passenger or freight stations as may from time to time be required by the Lieutenant-Governor or any of his Ministers, or that such company shall comply with any directions that may be given for the erection of stations, or the number of them, such information shall be furnished to the board and its directions shall be complied with by the company. *R.S.O. 1927, c. 225, s. 4 (6), (7).*

Who is
a "party
interested."

133. The decision of the board as to whether any person, firm, company, corporation or municipality is or is not a party interested within the meaning of any of the provisions of this Part shall be binding and conclusive upon such persons, firms, companies, corporations or municipalities. *R.S.O. 1927, c. 225, s. 20 (6).*

Super-
intending
accounts of
railways
and public
utilities
operated
by muni-
cipalities.

134.—(1) The board shall superintend the system of book-keeping and keeping accounts of the assets, liabilities, revenue and expenditure of all railways and public utilities which are operated by or under the control of a municipality or a local board, and may require from it such returns and statements as to the board may seem proper, and may extract from such returns and statements such information as, in the opinion of the board, may be useful for publication, and may embody such portions of such returns and statements in the annual report of the board as to it may seem proper.

Enquiry
and report
as to rates
charged by
public
utilities.

(2) The board may from time to time enquire and report as to whether such railway or public utility is operated in such a way that the rates charged in respect thereof are sufficient to pay the debenture debt and interest created in respect thereof, and the cost of operation and maintenance, or whether greater rates are charged than are sufficient for such purposes.

Exception.

(3) This section shall not apply to a public utility for the development or distribution of electrical power or energy obtained directly or indirectly from the Hydro-Electric Power Commission of Ontario. *R.S.O. 1927, c. 225, s. 57, amended.*

May
arbitrate
labour
difficulties.

135.—(1) A dispute between a railway or public utility company or corporation and its employees may be submitted to the board for its determination and settlement.

Submission.

(2) The submission shall be in writing and shall contain a statement of the matters in dispute, and also an agreement to abide by the determination of the board and to continue in business or at work without a lockout or strike during the investigation.

Investi-
gation.

(3) Upon such submission the board shall investigate and determine the matters in dispute and shall render its decision within ten days after the completion of the investigation.

Procedure.

(4) The proceedings shall, as nearly as may be, be the same as in the case of any other enquiry which the board is authorized to make, but the board may regulate the proceedings and the manner of conducting them as to the board may seem meet. *R.S.O. 1927, c. 225, s. 59.*

To mediate
in case of
strikes.

136.—(1) Whenever a strike or lockout of the employees of any railway or public utility company or corporation occurs, or is threatened, the board shall proceed as soon as practicable to the locality thereof and endeavour by mediation to effect an amicable settlement of the controversy.

Enquiry into
cause of
dispute and
suggesting
terms of
settlement.

(2) Wherever there exists any such strike or lockout by reason of which, in the opinion of the board, the general public is likely to suffer injury or inconvenience with respect to food, fuel, light or power, or the means of communication or transportation, or in any other respect, and the parties to such strike or lockout will not consent to submit the matters in controversy to the board, the board, after having first endeavoured to effect a settlement by conciliatory means and having failed, may proceed of its own motion to make an investigation of all facts bearing upon such strike or lockout,

and shall make public its findings with such recommendations to the parties as, in its judgment, will contribute to a fair and equitable settlement of their differences, and in the prosecution of such enquiry the board shall have all the powers conferred upon it by section 135. *R.S.O. 1927, c. 225, s. 60.*

PART VIII

PRACTICE AND PROCEDURE

Notices. Evidence.

Notice,
requisites of. **137.** Any notice required or authorized to be given in writing,—

- (a) by the board, may be signed by the chairman or secretary;
- (b) by the inspecting engineer, or other officer or person appointed by the board, may be signed by such inspecting engineer, officer or other person, as the case may be;
- (c) by any company or corporation, may be signed by the president or secretary, or by its duly authorized agent or solicitor; and
- (d) by any person, may be signed by such person or his duly authorized agent or solicitor. *R.S.O. 1927, c. 225, s. 27.*

Notices,—
how served.

138.—(1) Any notice required to be given to a company, municipality, corporation, co-partnership, firm or individual, shall be deemed to be sufficiently given by delivering the same, or a copy thereof, within the time, if any, limited therefor,—

Railway
company.

- (a) in the case of a railway company, to the president, vice-president, managing director, secretary or superintendent of the company, or to some adult person in the employ of the company at the head or any principal office of the company;

Muni-
cipality.

- (b) in the case of a municipality, to the head of the municipality, or to the clerk;

Other
companies.

- (c) in the case of any other company or corporation, to the president, vice-president, manager or secretary, or to some adult person in its employ at its head office;

Co-partner-
ship.

- (d) in the case of a firm or co-partnership, to any member thereof, or, at the last known place of abode of any such member, to any adult member of his

PART VIII

EXPLANATORY NOTES

GENERAL.—The provisions of this Part dealing with matters of practice and procedure before the board are a continuation of the present law and at the foot of each section will be found a reference to the corresponding provision in the present Act.

household, or at the office or place of business of the firm to a clerk employed therein; and,

Individuals.

- (e) in the case of an individual, to him, or, at his last known place of abode, to any adult member of his household, or, at his office or place of business, to a clerk in his employ.

Service by publication.

(2) If, in any case within the jurisdiction of the board, it is made to appear, to the satisfaction of the board that service of any such notice cannot conveniently be made, in the manner provided in the next preceding subsection, the board may order and allow such service to be made by the publication of such notice for any period not less than three weeks in the Ontario Gazette, and also, if required, in any other newspaper; and such publication in each case shall be deemed to be equivalent to service in the manner provided in the said subsection.

Service of other documents.

(3) Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this section. *R.S.O. 1927, c. 225, s. 28.*

Duty of company on receipt of notice or order.

133. Every company, municipality or corporation shall, as soon as possible after the receipt by it, or service upon it, of any regulation, order, direction, decision, notice, report or other document of the board, or of the inspecting engineer, give cognizance thereof to each of its officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy thereof in some place where his work or his duties, or some of them, are to be performed. *R.S.O. 1927, c. 225, s. 29.*

Duty of sheriffs, etc.

144. Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the board in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificate of the secretary, be paid by the county interested the like fees as for similar services at the sittings of the Supreme Court for the trial of actions, and such fees shall be charged as expenses of the administration of justice. *R.S.O. 1927, c. 225, s. 30.*

Effect of documents issued by company.

141. Every written or printed document purporting to have been issued or authorized by a company or any officer, agent or employee of a company, or any other person or company for or on its behalf, shall, as against the company, be received as *prima facie* evidence of the issue of such document by the company, and of the contents thereof, without any further proof than the mere production of such document. *R.S.O. 1927, c. 225, s. 31.*

Evidence of documents.

142.—(1) Every document purporting to be signed by the chairman and secretary, or by either of them, or by an inspecting engineer, shall, without proof of the signature, be *prima facie* evidence that such document was duly signed, and shall be sufficient notice to the company and all parties interested, if served in the manner provided by section 138 for service of notice, that such document was duly signed and issued by the board, or inspecting engineer, as the case may be.

Evidence of regulations, etc., etc.

(2) If such document purports to be a copy of any regulation, order, direction, decision or report, made or given by the board, or inspecting engineer, it shall be *prima facie* evidence of such regulation, order, direction, decision or report, and, when served in the manner provided by section 138, shall be sufficient notice of such regulation, order, direction, decision or report from the time of such service. *R.S.O. 1927, c. 225, s. 32.*

Certified plan, etc., prima facie evidence.

143.—(1) Any document purporting to be certified by the secretary as being a copy of any plan, profile, book of reference or other document deposited with the board, or of any portion thereof, shall, without proof of signature of the secretary, be *prima facie* evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which the same purports to be signed, certified, attested or executed, as shown or appearing from such certified copy, and also, if such certificate states the time when such original was so deposited, that the same was deposited at the time so stated.

Certified copies of documents of board.

(2) A copy of any regulation, order or other document in the custody of the secretary, or of record with the board, purporting to be certified by the secretary to be a true copy and purporting to be sealed with the seal of the board, shall be *prima facie* evidence of such regulation, order or document, without proof of the signature of the secretary. *R.S.O. 1927, c. 225, s. 33.*

Publication of regulations and orders.

Judicial notice.

144. Any rule, regulation, order or decision of the board, when published by the board, or by leave of the board, for three weeks in the *Ontario Gazette*, and while the same remains in force, shall have the like effect as if enacted in this Act, and all courts shall take judicial notice thereof. *R.S.O. 1927, c. 225, s. 34.*

Notice of application.

Board may vary length of time.

145. Unless otherwise provided ten days' notice of any application to the board, or of any hearing by the board, shall be sufficient, but the board may in any case direct longer or permit shorter notice of the application. *R.S.O. 1927, c. 225, s. 35.*

Procedure
in urgent
cases when
no notice
given.

146.—(1) When the board is authorized to hear an application, complaint, or dispute, or make any order, upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the board to be sufficient, notwithstanding any want of or insufficiency in such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice.

When
rehearing in
such cases
may be had.

(2) Any person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the board may allow, apply to the board to vary, amend or rescind such order or decision, and the board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision, or dismiss the application, as may seem to it just. *R.S.O. 1927, c. 225, s. 36.*

Orders of Court

Making
decisions
or orders.
Orders of
court.

147.—(1) A certified copy of any order or decision made by the board under this Act or any general or special Act may be filed in the office of the Registrar of the Supreme Court, and shall thereupon become and be enforceable as a judgment or order of the Supreme Court to the same effect, but the order or decision may be nevertheless rescinded or varied by the board.

Board
may select
method of
enforcing
order.

(2) It shall be optional with the board to adopt the method provided by this section for enforcing its orders or decisions or to enforce them by its own action. *R.S.O. 1927, c. 225, s. 37.*

Terms of Orders

Contingent
orders.

148.—(1) The board may direct in any order that the same, or any portion or provision thereof, shall come into force at a future fixed time, or upon the happening of any contingency, event or condition in such order specified, or upon the performance, to the satisfaction of the board or person named by it, of any terms which the board may impose upon any party interested, and the board may direct that the whole, or any portion of such order, shall have force for a limited time, or until the happening of any specified event.

Subject
to forms.

Limited as
to terms.

Interim
orders.

(2) The board may, instead of making an order final in the first instance, make an interim order and reserve further directions, either for an adjourned hearing of the matter or for further application. *R.S.O. 1927, c. 225, s. 38.*

May grant partial or other relief than that applied for.

149. Upon any application to the board the board may make an order granting the whole, or part only, of such application, or may grant such further or other relief in addition to, or in substitution for, that applied for as to the board may seem just and proper as fully in all respects as if such application had been for such partial, other, or further relief. *R.S.O. 1927, c. 225, s. 39.*

Interim *ex parte* orders.

150. The board may, if the special circumstances of any case, in its opinion, so require, make an *interim ex parte* order authorizing, requiring or forbidding anything to be done which the board would be empowered on application, notice and hearing to authorize, require or forbid, but no such order shall be made for any longer time than the board may deem necessary to enable the matter to be heard and determined. *R.S.O. 1927, c. 225, s. 40.*

Extension of time specified in order.

151. When any work, act, matter or thing is, by any regulation, order or decision of the board, required to be done, performed or completed within a specified time the board may, if the circumstances of the case, in its opinion, so require, upon notice and hearing, or in its discretion upon *ex parte* application, extend the time so specified. *R.S.O. 1927, c. 225, s. 41.*

General Rules

Power to make rules.

152. The board may make general rules regulating its practice and procedure. *R.S.O. 1927, c. 225, s. 42.*

Other Provisions

Presumption of jurisdiction to make order.

153. An order of the board need not show upon its face that any proceeding or notice was had or given, or any circumstance existed, necessary to give it jurisdiction to make such order. *R.S.O. 1927, c. 225, s. 43.*

Effect of finding of fact in another court.

154.—(1) In determining any question of fact the board shall not be concluded by the finding or judgment of any other court in any action, prosecution or proceeding involving the determination of such fact, but such finding or judgment shall, in proceedings before the board, be *prima facie* evidence only.

Jurisdiction not affected.

(2) Subject as in this Act is otherwise provided the pendency of any action, prosecution or proceeding in any other court involving questions of fact shall not deprive the board of jurisdiction to hear and determine the same questions of fact.

Effect of finding of board on questions of fact.

(3) The finding or determination of the board upon any question of fact within its jurisdiction shall be binding and conclusive. *R.S.O. 1927, c. 225, s. 44.*

and to make rules of practice respecting appeals under this section, and until such rules are made the rules and practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal shall be applicable to appeals under this Act.

Appeals
to Privy
Council in
certain cases.

(6) Subject to the provisions of Parts V and VI, when the matter in controversy exceeds the sum or value of \$4,000 or relates to the duration of a privilege to operate a railway along a highway, or to the construction of an agreement between a railway company and a municipal corporation, or to any demand affecting the rights of the public or to any demand of a general or public nature affecting future rights, an appeal shall lie from the Court of Appeal to His Majesty in His Privy Council, but no appeal shall lie to His Majesty in His Privy Council in any other case, except by leave of His Majesty. *R.S.O. 1927, c. 225, s. 47 (1-6).*

No appeal
in certain
cases.

Rev. Stat.,
c. 238.

(7) No appeal shall lie to His Majesty in His Privy Council, from any decision of the Court of Appeal upon an appeal from the board under *The Assessment Act* or under Part VI of this Act. *R.S.O. 1927, c. 225, s. 47 (7), amended.*

Members of
board not
liable for
costs.

(8) Neither the board nor any member of the board shall in any case be liable to any costs by reason or in respect of any appeal or application under this section.

Decisions of
board to be
final.

(9) Save as provided in this section and in section 156,—

(a) every decision or order of the board shall be final; and,

(b) no order, decision or proceeding of the board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari* or any other process or proceeding in any court. *R.S.O. 1927, c. 225, s. 47 (8 and 9).*)

Not to be
questioned
by prohi-
bition, etc.

Costs.

158.—(1) The costs of and incidental to any proceeding before the board, except as herein otherwise provided, shall be in the discretion of the board, and may be fixed in any case at a sum certain or may be taxed.

Taxation.

(2) The board may order by whom and to whom any costs are to be paid, and by whom the same are to be taxed and allowed.

Scale.

(3) The board may prescribe a scale under which such costs shall be taxed. *R.S.O. 1927, c. 225, s. 49.*

Witness fees.

159. Every person summoned to attend before the board or before any inspecting engineer, or person appointed to make inquiry and report, shall, in the discretion of the board,

receive the like fees and allowances for so doing as if summoned to attend before the Supreme Court. *R.S.O. 1927, c. 225, s. 53.*

Fees
for copies,
certificates,
etc.

160.—(1) The board may charge and collect such fees, as to it may seem proper for all copies of documents, maps or plans, and all certificates as to the same.

Payment
over to
Province.

(2) All fees charged and collected by the board shall be paid over quarterly, accompanied by a detailed statement thereof, to the Treasurer of Ontario. *R.S.O. 1927, c. 225, s. 61).*

Fees on
orders of
board to be
paid in
stamps.

161. There shall be paid in law stamps upon every order made by the board such sum as it may direct, regard being had to the time occupied by the board and its officers and the expense occasioned to the Province in the matter, and such law stamps shall be provided in the first instance by the applicant for such order, and such sum shall be a debt due by the applicant to His Majesty, and a summary order may be made for payment thereof by the board, and the order may be made an order of the Supreme Court. *R.S.O. 1927, c. 225, s. 62.*

PART IX

MISCELLANEOUS

ANNUAL REPORT OF BOARD

Annual
report.

162.—(1) The board shall make an annual report, on or before the 31st day of March in each year, to the Lieutenant-Governor, which shall contain,—

Contents.

- (a) a record of its meetings and an abstract of its proceedings during the preceding calendar year;
- (b) a statement of the result of any examination or investigation conducted by it;
- (c) such statements, facts and explanations as will disclose the actual workings of the system of railway transportation in its bearing upon the business and prosperity of Ontario, and such suggestions as to the general railway policy of the Province, of the amendments of its laws, or the condition, affairs or conduct of any railway or street railway as may seem to it advisable;
- (d) such tables and abstracts of all the reports of all the railway and street railway companies as it may deem expedient;
- (e) a statement in detail of its disbursements;
- (f) such other matters as appear to the board to be of public interest in connection with the persons, companies and railways, subject to this Act; and,
- (g) such matters as the Lieutenant-Governor in Council directs.

Laying
report before
Assembly.

(2) The Lieutenant-Governor shall lay the report before the Assembly forthwith if then in session, or if not then in session within fifteen days after the commencement of the next session. *R.S.O. 1927, c. 225, s. 56.*

Publishing
information
without
leave.

163. If any officer or servant of the board, or any person having access to or knowledge of any return made to the board, or of any evidence taken by the board in connection therewith, without the authority of the board first obtained ,

PART IX

EXPLANATORY NOTES

GENERAL.—This Part deals only with the annual and other reports to be made by the board, the penalties upon the staff of the board for improperly disclosing official business, protection of the exclusive jurisdiction of the Power Commission and repeal of existing Acts supplanted by this Bill.

publishes or makes known any information, having obtained the same or knowing the same to have been derived from such return or evidence, he shall incur a penalty not exceeding \$500 for such offence and shall also be liable to imprisonment for any term not exceeding six months. *R.S.O. 1927, c. 225, s. 58.*

Penalty.

Powers
of Hydro-
Electric
Power Com-
mission.
Rev. Stat.,
c. 57.

164. Nothing in this Act contained shall confer upon the board any jurisdiction as to matters which, under *The Power Commission Act*, are within the exclusive jurisdiction of The Hydro-Electric Power Commission of Ontario. *R.S.O. 1927, c. 225, s. 20 (7).*

Repeal.

165. The following Acts and Parts of Acts are repealed, namely,—

- (a) *The Railway and Municipal Board Act*, being chapter 225 of the Revised Statutes of Ontario, 1927;
- (b) Section 11 of *The Statute Law Amendment Act, 1928*;
- (c) Section 12 of *The Statute Law Amendment Act, 1929*;
- (d) *The Bureau of Municipal Affairs Act*, being chapter 232 of the Revised Statutes of Ontario, 1927;
- (e) Section 304 of *The Municipal Act*, being chapter 233 of the Revised Statutes of Ontario, 1927.
- (f) *The Municipal and School Accounts Audit Act*, being chapter 243 of the Revised Statutes of Ontario, 1927; and
- (g) *The Municipal and School Accounts Audit Act, 1931.*

Commence-
ment of Act.

166. This Act shall come into force on the day upon which it receives the Royal Assent.

FORM 1

TAX ARREARS CERTIFICATE

To the Registrar of the Registry Division of the of

I HEREBY CERTIFY by virtue of *The Ontario Municipal Board Act, 1932*, section 109, that the lands hereinafter described, by reason of certain taxes thereon remaining unpaid for the period mentioned in said section are hereby vested in and have become the property of the of (naming the municipality).

Description of Lands	Amount of Unpaid Taxes with Penalties, Interest and Costs	Whether Vacant or Improved Land
	•	

The period within which the right of redemption may be exercised under the said Act with respect to the above described land is one (1) year from the date of registration of this certificate.

Dated at this day of, 19 ..

.....
Treasurer.

FORM 2

NOTICE OF REGISTRATION OF TAX ARREARS CERTIFICATE

TAKE NOTICE that by virtue of *The Ontario Municipal Board Act, 1932*, section 109, a tax arrears certificate has been registered against the following lands, namely:

.....
.....

and by reason thereof the same are vested in and have become the property of the corporation of the of (naming the municipality) subject only to your right of redemption of the same on or before the day of, 19 .., which is the last day for redemption.

Dated at this day of, 19 ..

.....
Treasurer.

FORM 3

REDEMPTION CERTIFICATE

To the Registrar of the Registry Division of the of

I HEREBY CERTIFY that the lands hereunder described have been redeemed by under the provisions of *The Ontario Municipal Board Act, 1932*.

Description of Lands

.....
.....

Take notice that where land is redeemed by any person entitled to redeem the same other than the owner, such person has a lien upon the owner's interest therein for the amount paid to redeem said land.

Dated at this day of, 19 ..

.....
Treasurer.

BILL

An Act respecting The Ontario Municipal Board.

1st Reading

March 16th, 1932

2nd Reading

3rd Reading

MR. PRICE

No. 116

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting The Ontario Municipal Board.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 116

1932

BILL

An Act respecting The Ontario Municipal Board.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Ontario Municipal Board Act, 1932.*

PART I

INTERPRETATION

Interpreta-
tion.

2. In this Act,—

“Board.”

(a) “Board” shall mean The Ontario Municipal Board. *New.*

“Local
board.”

(b) “Local Board” shall mean and include any school board, public utility commission, public library board, board of park management, local board of health, board of police commissioners and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality. *New.*

“Municipi-
pality.”

(c) “Municipality” shall mean a county, city, town, village or township and shall include the corporation thereof and shall also include every local board thereof. *New.*

“Public
utility.”

(d) “Public Utility” shall mean and include any water-works, gasworks, including works for the production, transmission, distribution and supply of natural gas, electric heat, light and power works, and telegraph or telephone lines, or any works supplying the general public with necessities or conveniences. *R.S.O. 1927, c. 225, s. 2 (a).*

3. The interpretation sections of *The Railway Act* shall apply to this Act. *R.S.O. 1927, c. 225, s. 1.* Interpretation under Rev. Stat., c. 224.

4. The provisions of this Act relating to railways shall apply to all railways, whether operated by steam, electricity or other motive power, including street railways. *R.S.O. 1927, c. 225, s. 3.* Application of Act to all railways.

5. Where in any general or special Act reference is made to the Ontario Railway and Municipal Board or to that board under any other name, hereafter it shall be deemed that such reference is made to the board as named in this Act. *New.* References to former board deemed to refer to board under this Act.

PART II

CONSTITUTION OF BOARD

6. The Ontario Railway and Municipal Board as heretofore constituted shall under the provisions of this Act continue, but hereafter shall be called "The Ontario Municipal Board." *New.* Change of designation.

7. The members of the board heretofore appointed under *The Railway and Municipal Board Act* shall continue in their respective offices as members of the board under this Act. *New.* Present members continued.

8. The board shall be composed of three members to be appointed by the Lieutenant-Governor in Council, one of whom shall be appointed as chairman and another as vice-chairman, and each of them shall continue so to be while he is a member of the board. *R.S.O. 1927, c. 225, s. 4 (2).* Composition of board.

9. Vacancies in membership of the board caused by death, resignation or otherwise may be filled by the Lieutenant-Governor in Council. *R.S.O. 1927, c. 225, s. 4 (3), part.* Vacancies.

10.—(1) Members of the board continuing in office at the time this Act comes into force and hereafter appointed shall hold office during pleasure. Tenure of office.

(2) The Chairman of the board, if at the time of his appointment a barrister of at least ten years standing at the bar, shall not be removed at any time by the Lieutenant-Governor in Council except upon an address of the Assembly. *R.S.O. 1927, c. 225, s. 4 (5).* Status of Chairman.

11. In the case of the absence of the chairman or of his inability to act or of a vacancy in the office, the vice-chairman shall have and exercise the jurisdiction and powers of the chairman, including the power to complete any unfinished Power of vice-chairman.

matter, and in such case all orders, rules, regulations, certificates and other documents signed by the vice-chairman shall have the like force and effect as if signed by the chairman. *R.S.O. 1927, c. 225, s. 5 (1), varied.*

Presumption of having duly acted.

12. Whenever it appears that the vice-chairman has acted for and instead of the chairman, it shall conclusively be presumed that he has so acted in the absence or disability of the chairman. *R.S.O. 1927, c. 225, s. 5 (2).*

Vacancy in membership or inability to act not to affect powers of board.

13. A vacancy in membership of the board or the absence or inability of a member to act, shall not impair the powers of the board or of the remaining members who shall exercise all the jurisdiction and powers of the board. *R.S.O. 1927, c. 225, s. 4 (3), part.*

Quorum.

14. Except as provided in section 15, two members of the board shall form a quorum and be sufficient for the exercise of all the jurisdiction and powers of the board, and not less than two members shall attend at the hearing of every case. *R.S.O. 1927, c. 225, s. 6, part.*

Where applications unopposed.

15. In any case, application or matter before the board in which there is no opposing party and no notice to be given to any interested party, any one member may act alone for the board. *R.S.O. 1927, c. 225, s. 7.*

Questions of law.

16. The chairman, when present, shall preside at all sittings of the board, and his opinion upon any question of law shall prevail. *R.S.O. 1927, c. 225, s. 6, part.*

Reference to a member.

17. The board or the chairman may authorize any one of the members to report to the board upon any question or matter arising in connection with the business of the board, and when so authorized such member shall have all the powers of the board for the purpose of taking evidence and acquiring the necessary information for the purpose of such report, and upon the report being made to the board, it may be adopted as the order of the board or otherwise dealt with as to the board seems proper. *R.S.O. 1927, c. 225, s. 8.*

Appointments pro hac vice.

18. Whenever a member of the board is interested in any matter before the board, the Lieutenant-Governor in Council may, upon the application of such member or otherwise, appoint a disinterested person to act as a member, *pro hac vice*, and the Lieutenant-Governor in Council may also appoint a person to act as a member during the illness, absence or inability to act of any member. *R.S.O. 1927, c. 225, s. 9.*

Attendance to duties.

19. Unless otherwise authorized by Statute or the rules of the Assembly or the Lieutenant-Governor in Council, the

members shall devote the whole of their time to the performance of their duties as members of the board, and shall not accept or hold any office or employment inconsistent with such duties. *R.S.O. 1927, c. 225, s. 11 (1), amended.*

20. No member or officer of the board shall, directly or indirectly,—

Prohibition against holding municipal securities, railway stock, etc.;

- (a) hold, purchase, take, deal in or become interested in any stock, bond, debenture, share or other security of any municipality in Ontario or of any railway or public utility company or any company which in any way controls a railway or public utility; *R.S.O. 1927, c. 225, s. 10 (1) (a), amended.*

- (b) become concerned or interested in any contract, undertaking or work with or for any municipality, railway or public utility company; *New.*

or having interest in contract;

- (c) have any interest in any device, appliance, machine, patented process or article or in any part thereof which may be required or used for the purpose of the business of any municipality, railway or public utility company. *R.S.O. 1927, c. 225, s. 10 (1) (b), amended.*

or having interest in appliances.

21. If a member or officer of the board shall by will, succession, or otherwise for his own benefit, directly or indirectly, become the owner, holder or otherwise vested with or interested in any stock, bond, debenture, share, security, contract, undertaking, work, device, appliance, machine, patented process or article mentioned in section 20, he shall within one year thereafter absolutely sell and dispose of the same or his interest therein. *R.S.O. 1927, c. 225, s. 10 (2), varied.*

Duty to dispose of interest

22. No member or officer of the board shall act as director or officer of any railway or public utility company or of any company which has power to invest any portion of its funds in the securities of a municipality, railway or public utility company. *R.S.O. 1927, c. 225, s. 10 (3), amended.*

Members of board not to be officers or directors of certain companies.

23. For the purpose of any inquiry or examination conducted by it or in the performance of any of the other duties assigned to it by this or any other Act or by the Lieutenant-Governor in Council, the board may with the consent of the Minister of the Executive Council in charge of any Department of the Government, avail itself of the services of any officer or employee of such Department and for any such purpose it may with the approval of the Lieutenant-Governor in Council, avail itself of the services of any member, officer or employee of any board or commission established by Act of the Legislature. *New.*

Securing assistance for purpose of inquiry.

Offices at
Toronto.

24. The Lieutenant-Governor in Council shall provide within the city of Toronto a suitable place in which the sittings of the board may be held and also suitable offices for the members, secretary, staff and other employees and all necessary furnishings, stationery and equipment for the establishment, conduct and maintenance of the same and for the performance of the duties of the board. *R.S.O. 1927, c. 225, s. 12.*

Sittings of
board.

25. The board shall sit at such times and places within the province as the chairman may from time to time designate and shall conduct its proceedings in such manner as may seem to it most convenient for the speedy and effectual dispatch of its duties. *R.S.O. 1927, c. 225, s. 13 (1).*

Private or
public.

26. The sittings of the board may be either private or open to the public, but any complaint made to the board shall on the application of any party thereto, be publicly heard. *R.S.O. 1927, c. 225, s. 13 (2).*

Use of
court house.

27. Where sittings of the board or any member thereof, are appointed to be held in any municipality in which a court house is situate, the board or member shall have in all respects the same authority and right as a judge of the Supreme Court with respect to the use of the court house and any part thereof, and of other buildings and apartments set aside in the municipality for the administration of justice. *R.S.O. 1927, c. 225, s. 14 (1), varied.*

Use of
town hall.

28. Where sittings of the board or any member thereof are appointed to be held in any municipality in which there is a hall belonging to the corporation thereof, but no court house, the corporation shall, upon request, allow such sittings to be held in such hall and shall make all arrangements necessary and suitable for such purpose. *R.S.O. 1927, c. 225, s. 14 (2).*

Experts.

29. The Lieutenant-Governor in Council may from time to time upon the recommendation of the board, appoint one or more experts or persons having technical or special knowledge of matters or subjects within the jurisdiction of the board or in question in respect of any particular matter or subject before the board to assist the board in an advisory or other capacity. *R.S.O. 1927, c. 225, s. 19 (1), varied.*

Secretary.

30. There shall be a secretary of the board who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. *R.S.O. 1927, c. 225, s. 15 (1).*

Duties of
secretary,—

31. It shall be the duty of the secretary to,—

- (a) attend all sittings of the board; Attend sittings;
- (b) keep a record of all applications to and proceedings before the board or any member; Keep minutes.
- (c) have the custody and care of all records and documents of or pertaining to the business of or proceedings before the board or any member, or filed in his office; Custody of records.
- (d) have every order, rule, regulation and certificate drawn pursuant to the directions of the board and according to the provisions of any Statute affecting the same properly authenticated and issued, filed and otherwise dealt with as may be requisite; Authentication of regulations, orders, etc.
- (e) keep proper books of record in which he shall cause to be entered a true copy of every order, rule and regulation made by the board and of every other document which the board may require to be entered therein, and such entry shall constitute and be the original record of every such order, rule, regulation and document; *R.S.O. 1927, c. 225, s. 15 (2) (a), (b), (c), (e), (f).* Record books.
- (f) carry out such other functions and duties as may by Statute, the Lieutenant-Governor in Council or the board be assigned to him or his office; and *New.* Other matters.
- (g) obey all rules, regulations and directions made or given by the board touching his duties or his office. *R.S.O. 1927, c. 225, s. 15 (2) (d).* Obey directions.

32 Upon application of any person and on payment of such fees as the board may prescribe, the secretary shall deliver to such person a certified copy of any order, rule, regulation, certificate or other document made, given or issued by the board. *R.S.O. 1927, c. 225, s. 16.* Certified copies of regulations or orders.

33. Where the office of the secretary is vacant, or in his absence or inability to act, the board may appoint a secretary *pro tempore*, who shall act in the place of the secretary, or a member of the board may act as secretary. *R.S.O. 1927, c. 225, s. 17, amended.* Acting secretary.

34. The staff of the board shall consist of a secretary and of such other officers, clerks, stenographers and employees as the board, with the approval of the Lieutenant-Governor in Council, from time to time appoints, and the board, with the like approval, may at pleasure dismiss any of them. *R.S.O. 1927, c. 225, s. 19 (2), amended.* Staff of board,—appointment and dismissal.

Salaries
of board and
secretary.

35. The chairman and other members of the board and the secretary shall be paid such salaries as shall from time to time be fixed by the Lieutenant-Governor in Council. *1928, c. 21, s. 11.*

Salaries of
staff.

36. The officers, clerks, stenographers and employees of the board shall be paid such salaries or remuneration as upon the recommendation of the board, the Lieutenant-Governor in Council may approve. *R.S.O. 1927, c. 225, s. 19 (3).*

Remunera-
tion of
appointee
to make
enquiry.

37. Whenever the board by virtue of any power vested in it appoints or directs any person other than a member of the staff of the board to perform any service required by this or any other Act, such person shall be paid such sum for services and expenses as upon the recommendation of the board, the Lieutenant-Governor in Council may approve. *R.S.O. 1927, c. 225, s. 19 (4).*

Salaries and
expenses of
board,
secretary,
staff, etc.,—
how to be
paid.

38. The salaries of the members of the board and the secretary and the salaries or remuneration of the staff of the board and all expenses of the board and of supplying or maintaining offices and furnishings, stationery, supplies and equipment for the board, together with expenses incurred by members of the board or the secretary in the performance of their duties including reasonable travelling and subsistence expenses of the members and secretary and of such of its staff as may be required or authorized by the board necessarily incurred in attending to the duties of their office, shall be paid monthly out of the Consolidated Revenue Fund of the Province. *R.S.O. 1927, c. 225, s. 19 (5), amended.*

Protection
from being
called as
witnesses.

39. Neither the members of the board nor its secretary nor any of its staff shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty. *New.*

Protection
from
personal
liability.

40. Neither the members of the board, nor its secretary nor any of its staff shall be personally liable for anything done by it or by him under the authority of this or any other Act. *New.*

PART III

GENERAL JURISDICTION AND POWERS

Board to
have powers
of court of
record and a
seal.

41. The board shall for all purposes of this Act have all the powers of a court of record and shall have an official seal which shall be judicially noticed. *R.S.O. 1927, c. 225, s. 4 (4).*

42. The board shall as to all matters within its jurisdiction under this Act have authority to hear and determine all questions of law or of fact. *R.S.O. 1927, c. 225, s. 20 (3).* Power to determine law and fact.

43. The board shall have exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this Act or by any other general or special Act. *R.S.O. 1927, c. 225, s. 21.* Jurisdiction exclusive.

44. The board shall have jurisdiction and power to,— General jurisdiction and powers.

- (a) hear and determine all applications made, proceedings instituted and matters brought before it under the provisions of this Act or of any other general or special Act and for such purpose to make such orders, rules and regulations, give such directions, issue such certificates and otherwise do and perform all such acts, matters, deeds and things, as may be necessary or incidental to the exercise of the powers conferred upon the board under such Act; and
- (b) perform such other functions and duties as are now or shall hereafter be conferred upon or assigned to the board by statute or under statutory authority.
- (c) order and require or forbid, forthwith or within any specific time and in any manner prescribed by the board, the doing of any act, matter or thing or the omission or abstention from doing or continuance of any act, matter or thing, which any person, firm, company, corporation or municipality is or may be required to do or omit to be done or to abstain from doing or continuing under this or any other general or special Act, or under any order of the board or any regulation, rule, by-law or direction made or given under any such Act or order or under any agreement entered into by such person, firm, company, corporation or municipality; and
- (d) make, give or issue or refuse to make, give or issue any order, directions, regulation, rule, permission, approval, certificate or direction, which it has power to make, give or issue. *R.S.O. 1927, c. 225, s. 20 (1), amended.*

45. The board for the due exercise of its jurisdiction and powers and otherwise for carrying into effect the provisions of this or any other general or special Act, shall have all such powers, rights and privileges as are vested in the Supreme Court with respect to the amendment of proceedings, addition or substitution of parties, attendance and examination of Powers of Supreme Court exercisable by board.

witnesses, production and inspection of documents, entry on and inspection of property; enforcement of its orders and all other matters necessary or proper therefor. *R.S.O. 1927, c. 225, s. 20 (4), varied.*

Jurisdiction
under
Letters
Patent.
Rev. Stat.
c. 218

46. Where by the provisions of any Letters Patent or supplementary Letters Patent of any corporation heretofore or hereafter issued under *The Companies Act* or any other general or special Act, any jurisdiction is conferred upon the board, or it is provided that any matter in any way may be referred to the board, it shall with respect thereto have power to inquire into, hear and determine all matters and things necessary or incidental to the due exercise of such jurisdiction and reference and to make and give orders, directions, regulations, rules, permissions, approvals, sanctions and certificates as to the board may seem proper. *1929, c. 23, s. 12, amended.*

Where
board's
approval
not given.

47. Where by the provisions of this or any other general or special Act the permission, approval or sanction of the board is necessary to the exercise of any power or the doing, or the abstention from doing or continuing to do any act, matter, deed or thing, such power shall not be exercised or act, matter, deed or thing be done or abstained from being done or be continued until such permission, approval or sanction has been obtained. *New.*

When board
may act.

48.—(1) The board may, of its own motion, and shall, upon the request of the Lieutenant-Governor in Council, inquire into, hear and determine any matter or thing which it may inquire into, hear and determine upon application or complaint, and with respect thereto shall have and may exercise the same powers as, upon any application or complaint, are vested in it. *R.S.O. 1927, c. 225, s. 22 (1).*

Power to act
from time
to time.

(2) Any power or authority vested in the board under this Act or any other general or special Act may, though not so expressed, be exercised from time to time, or at any time, as the occasion may require. *R.S.O. 1927, c. 225, s. 22 (2).*

Appoint-
ment of
counsel.

49.—(1) The Lieutenant-Governor in Council may from time to time, upon the request of the board, or of his own motion, appoint counsel to appear before the board and conduct any inquiry or hearing or to represent the board upon the argument of any appeal to the Court of Appeal of the Supreme Court or to any other court in an appeal from the Court of Appeal, in cases where any such appeal may lie. *R.S.O. 1927, c. 225, s. 23 (1), amended.*

Costs.

(2) The board may direct that the costs of such counsel shall be paid by any party to the application, proceeding or

matter, or by the Treasurer of Ontario. *R.S.O. 1927, c. 225, s. 23 (2).*

50. The board may rehear any application before deciding it or may review, rescind, change, alter or vary any decision, approval or order made by it. *R.S.O. 1927, c. 225, s. 24.* Power to rehear, review, etc.

51. The board shall, when required so to do by the Lieutenant-Governor in Council, the Assembly or any committee thereof, make or cause to be made under its supervision, an inquiry into any facts which the Lieutenant-Governor in Council, the Assembly or any such committee may desire to ascertain before passing upon the propriety of any proposed change in the general law, or upon any proposed Bill relating to a municipality or to a railway, or to any corporation or person operating or proposing to operate a public utility, and upon the conclusion of such inquiry the board shall report its opinion thereon. *R.S.O. 1927, c. 225, s. 55.* Board to enquire and report on certain matters at request of Government or Legislature.

52. The Lieutenant-Governor in Council may at any time refer to the board, for a report or other action, any question, matter or thing arising, or required to be done in respect of a municipality, railway or public utility subject to the jurisdiction of the board, under any general or special Act, and the board shall without unnecessary delay comply with the Order-in-Council. *R.S.O. 1927, c. 225, s. 48.* Reference by Lieutenant-Governor in Council for report.

53.—(1) The board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute before the board, or upon any matter or thing over which the board has jurisdiction. *R.S.O. 1927, c. 225, s. 51 (1).* Board may order inquiries.

(2) The board may order by whom and in what proportion the costs and expenses incurred in making such inquiry and report shall be paid, and may fix the amount of such costs and expenses. *R.S.O. 1927, c. 225, s. 51 (2).* Costs.

54. The board may order and require any person or company, corporation or municipality to do forthwith or within or at any specified time, and in any manner prescribed by the board, so far as is not inconsistent with this Act, any act, matter or thing which such person, company, corporation or municipality is or may be required to do under this Act, or under any other general or special Act, or any regulation, order, direction, agreement or by-law, and may forbid the doing or continuing of any act, matter or thing which is in contravention of any such Act or of any such regulation, order, direction, agreement or by-law. *R.S.O. 1927, c. 225, s. 20 (2).* General powers.

Adoption of
appliances
for pro-
tection of
life, etc.

55. The board may require any person, company, corporation or municipality, subject to its jurisdiction, to adopt such means and appliances and to take and use such precautions as the board may deem necessary or expedient for the safety of life and property. *R.S.O. 1927, c. 225, s. 54.*

Duty
to execute
works
ordered by
board.

56.—(1) When the board, in the exercise of any power vested in it, by any order directs any structure, appliances, equipment, works, renewals, or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may order by what person, company, corporation or municipality interested or affected by such order, as the case may be, and when or within what time, and upon what terms and conditions as to the payment of compensation or otherwise, and under what supervision the same shall be provided, constructed, reconstructed, altered, installed, operated, used or maintained. *R.S.O. 1927, c. 225, s. 50 (1).*

And to pay
expenses of
them.

(2) The board may order by whom, in what proportion and when, the cost and expenses of providing, constructing, reconstructing, altering, installing and executing such structures, equipment, works, renewals, or repairs, or of the supervision, if any, or of the continued operation, use or maintenance of the same, or of otherwise complying with such order shall be paid. *R.S.O. 1927, c. 225, s. 50 (2).*

Board's
powers upon
default in
obeying
order.

57. If default is made by a person, company, corporation or municipality in the doing of any act, matter or thing, which the board has authority, under this or any other general or special Act, to direct and has directed to be done, the board may authorize such person as it may see fit to do the act, matter or thing, and in every such case the person so authorized may do such act, matter or thing, and the expense incurred in the doing of the same may be recovered from the person, company, corporation or municipality in default as money paid for and at his or its request, and the certificate of the board of the amount so expended shall be conclusive evidence thereof. *R.S.O. 1927, c. 225, s. 25.*

Enforcing
orders of
board.
Rev. Stat. c.
224.

58. The board shall also have power to enforce its orders and directions respecting any public utility in the manner and by the means provided in section 261 of *The Railway Act*. *R.S.O. 1927, c. 225, s. 26.*

Powers
respecting
inquiries.

59. The board, inspecting engineer, or person appointed under this Act to make any inquiry or report may,—

Entry.

(a) enter upon and inspect any place, building, or works, being the property or under the control of any company, the entry or inspection of which appears to it or him requisite;

- (b) inspect any works, structure, rolling stock or property of the company; Inspection.
- (c) require the attendance of all such persons as it or he thinks fit to summon, and examine and require answers or returns to such enquiries as it or he thinks fit to make; Attendance of witnesses.
- (d) require the production of all books, papers, plans, specifications, drawings and documents, relating to any matter before it or him; Pro-duction of documents, etc.
- (e) administer oaths, Oaths.

and shall have the like power to summon witnesses and enforce their attendance, and compel them to give evidence and to produce books, papers or things which they are required to produce, as is vested in any court in civil cases. *R.S.O. 1927, c. 225, s. 52.* Summoning witnesses and enforcing attendance.

PART IV

MUNICIPAL ACCOUNTS, STATISTICS AND AUDITS

60. The branch of the public service of Ontario heretofore known as "The Bureau of Municipal Affairs" established under *The Bureau of Municipal Affairs Act* is hereby transferred to the board and all the matters heretofore assigned to the said Bureau shall hereafter be under the jurisdiction of the board as provided in this Part. *New.* Returns and statements. Bureau of Municipal Affairs transferred to the board.

61.—(1) The Lieutenant-Governor in Council may designate which member of the board shall have charge over the administration of all matters within the jurisdiction of the board under this Part and the member so designated shall be known as the "Commissioner for Municipal Affairs." Commissioner of Municipal Affairs to be appointed from the board.

(2) During the absence or in the inability of the commissioner to act or in case of a vacancy in his office, the chairman of the board shall have and may exercise all the powers of the commissioner under this Act. *New.* Chairman to act in absence, etc., of commission.

62.—(1) All the officers, clerks and servants of The Bureau of Municipal Affairs in office at the time when this Part comes into force shall continue according to their present appointments and in their respective offices, but as officers, clerks and servants of the board under the direct charge of the commissioner to whom they shall be responsible for the performance of their duties. Officers, clerks, etc., continued in office.

Provincial
municipal
auditor.

(2) Subject to the control of the commissioner, the provincial municipal auditor shall be the chief officer for the purposes of this Part. *New.*

General
powers.

63. The board, by and through the commissioner, shall have power,—

Municipal
accounting
system.

(a) to prescribe and regulate the system of estimates, book-keeping and accounting to be adopted by municipalities, and the form of and the manner in which all estimates, books of account, registers, records, vouchers, receipts and other books and documents relating to the assets, liabilities, revenues and expenditures of municipalities shall be kept, and the manner in which all funds and moneys thereof shall be accounted for; *Partly new.*

Municipal
returns.

(b) to prescribe the forms, returns, statements and information to be made and furnished by municipalities to the board, annually, periodically or otherwise, and the times when and by whom they shall be made;

Municipal
audit.

(c) to prescribe and regulate the system of auditing of the accounts, registers, records, vouchers, receipts and other books and documents relating to the assets, liabilities, revenues, expenditures, funds and moneys of municipalities and the reports, returns, statements and information to be made and furnished by municipal auditors and otherwise with respect to the performance of their duties; *Partly new.*

Compiling
statistics,
etc.

(d) to collect, compile, analyse and record such statistical and other information relating to the financial and other affairs of municipalities as may be useful;

Publishing
reports, etc.

(e) to prepare and publish statistics, reports, records, bulletins, pamphlets, circulars and other means of disseminating information and advice in relation to municipal affairs as may be useful; *Partly new.*

Report on
municipal
government,
etc.

(f) to study, report and advise upon the system of municipal institutions and the government and administration of municipal affairs; *New.*

Reports of
board.

(g) to prepare and make to the Lieutenant-Governor in Council such annual or other reports and returns as may be required;

Other
duties.

(h) to perform such other duties as the Lieutenant-Governor in Council may require or assign;

- (i) to perform and do all things necessary or incidental to any of the aforesaid purposes; *R.S.O. 1927, c. 232, ss. 9 and 10, amended; R.S.O. 1927, c. 243, ss. 4 and 6, amended.* Incidental powers.

64. The commissioner may with respect to any of the matters mentioned in clauses *a, b* and *c* of section 63 prescribe different systems, methods and forms for the several classes of municipalities or for any municipality. *New.* Variations in systems and forms.

65. Every municipality and every member of the council or a local board thereof and every officer thereof shall comply with any system, methods or forms prescribed under this Part to be adopted, kept or made by such municipality, local board or by the class of municipalities or local board of which such municipality or local board is one. *New.* Duty of members of council, local boards and their officers.

66. A municipality which has adopted a system of estimates, book-keeping, accounting or auditing which the commissioner is satisfied to approve may continue such system until otherwise directed by the commissioner and until such time it shall not be necessary for the municipality to comply with any system prescribed under this Part. *R.S.O. 1927, c. 243, s. 8 (4), amended.* Adoption of other satisfactory system of accounting, auditing, etc.

67.—(1) All returns required by any Act to be made to the Secretary of the Bureau of Industries or to the Bureau of Municipal Affairs shall be made to the board. *R.S.O. 1927, c. 232, s. 8 (3), amended.* All returns to be made to the board.

(2) Where in any Act reference is made to the Director of the Bureau of Municipal Affairs such reference shall be deemed to be made to the Commissioner for Municipal Affairs. *New.*

68.—(1) The commissioner, either at the direction of the board or upon his own initiative or whenever requested by any municipality expressed by resolution of its council, or on a petition in writing signed by not less than fifty ratepayers assessed as owners and resident in a municipality, may direct the provincial municipal auditor to make or have made an audit of the financial affairs of the municipality. *R.S.O. 1927, c. 243, s. 10 (1), amended.* Provincial municipal audit. When ordered.

(2) Any direction given by the commissioner may extend to an audit of all the financial affairs of a municipality or may be limited to the financial affairs of any local board thereof, or to any specified phase of such financial affairs or to any specified books, accounts, registers, records, vouchers, receipts, funds, money or financial transactions, kept by or

under the charge of any officer of the municipality designated by the commissioner. *R.S.O. 1931, c. 53, s. 2, amended.*

Appoint-
ment of
special
auditor to
make the
audit.

69. With the approval of the commissioner the provincial municipal auditor may appoint a chartered accountant or other competent auditor to make any audit which the commissioner may have directed to be made under this Part, and the person appointed shall for the purposes of such audit have all the powers and perform all the duties conferred or imposed upon the provincial municipal auditor. *R.S.O. 1927, c. 243, s. 10 (3).*

Powers of
auditor
with
respect to
an audit.

Rev. Stat. o.
20.

70. For the purposes of any audit the provincial municipal auditor may require the production of all or any books, records and documents which may in any way relate to the affairs of the municipality, the subject of the audit, and inspect, examine and audit and copy the same and may require any officer of the municipality and any other person to appear before him and give evidence on oath touching any of such affairs and for such purpose shall have the same powers as a commissioner under *The Public Inquiries Act. R.S.O. 1927, c. 243, s. 11.*

Report on
audit.

71. Upon completion of an audit under this Part the provincial municipal auditor shall report thereon in writing to the commissioner, who shall forthwith transmit a copy of the report to the municipality and to the board. *R.S.O. 1927, c. 243, s. 14, amended.*

Powers of
board as a
result of
an audit.

72. The board as a result of any audit of the affairs of a municipality made under this Part may make such orders as it may see fit requiring the municipality to carry out, put into effect, observe, perform or enforce such matters or things as the audit may have disclosed as being necessary or desirable in the interests of the municipality or with respect to the due accounting for, collection or payment of any of its assets, liabilities, revenues, expenditures, funds or money or otherwise in any respect as the order of the board may provide. *New.*

Fees for
audit.

73. The board may fix the fees and allowances for expenses payable with respect to any audit of the affairs of a municipality under this Part, and the amount so fixed shall forthwith be paid by the municipality. *R.S.O. 1927, c. 243, s. 16.*

Exception
as to
municipal
hydro-
electric
commissions.

74. Nothing in this Part contained shall give to the board, commissioner or provincial municipal auditor, any jurisdiction with respect to any of the affairs of a municipal utility commission, the exclusive jurisdiction over which is by statute conferred upon The Hydro-Electric Power Commission of Ontario. *R.S.O. 1927, c. 232, s. 11, amended.*

75. Nothing in this Part shall affect or impair any security given by any officer of a municipality for the due and faithful performance of the duties of his office, nor relieve his sureties from liability in case of his default therein, nor shall anything in this Part relieve any municipality from its duty to appoint competent auditors. *R.S.O. 1927, c. 243, s. 20.*

Obligations of officers' sureties not affected, etc

76. Where a municipality fails, neglects or refuses to make or provide to the board any form or return, statement or information prescribed under this Part, the commissioner may authorize some person to make and furnish the same at the expense of the municipality. *R.S.O. 1927, c. 232, s. 9 (2), part.*

Power to obtain returns on failure of municipality to make them.

Penalty.

77. Any municipality, member of council or of a local board or an officer thereof or any other person guilty of any wilful breach of any of the provisions of this Part or of any order of the board made thereunder shall in addition to any other penalty provided by law incur a penalty of not less than \$20 and not more than \$200 recoverable under *The Summary Convictions Act*, and, if a member of a council or a local board, shall upon conviction be disqualified from holding any municipal office for a period of two years. *R.S.O. 1927, c. 232, s. 9 (2), part; and R.S.O. 1927, c. 243, s. 19, amended.*

Rev. Stat., c. 121.

PART V

GENERAL MUNICIPAL JURISDICTION

78. The board shall have jurisdiction and power in relation to municipal affairs to,—

General municipal jurisdiction of the board.

- (a) effect improvement generally in their conduct and administration and, among other things, consult with and assist by advice municipalities, develop proper methods of municipal financing, accounting and audit, collaborate with municipal associations and other bodies and collect, compile and disseminate municipal statistics and information; *New.*
- (b) approve the exercise in whole or in part of any of the powers by a municipality under any general or special Act which may or will involve or require the borrowing of money by the issue of debentures, or the incurring of any debt or the issuing of any debentures, and which municipality voluntarily applies for or is required by law to obtain such approval; *New.*
- (c) approve any by-law or proposed by-law of a municipality which voluntarily applies for or is required by law to obtain such approval; *New.*

Advisory powers.

Approving borrowings.

Approving by-laws.

- Floating debt. (d) authorize the issue by a municipality of debentures to pay any floating indebtedness which it may have incurred, upon such terms in such manner and at such times as the board may approve; or direct that such floating indebtedness be paid in such other manner and within such time as the board may require; *New*.
- Certifying validity of debentures. (e) certify to the validity of debentures issued under the authority of any by-law of a municipality which the board has approved; *New*.
- Assent of electors to by-laws. (f) direct that before any approval is given by the board to the exercise of any powers by a municipality or to any by-law passed by it, the assent of the electors thereof or of those thereof who are qualified to vote on money by-laws first be obtained, notwithstanding such assent is not otherwise requisite;
- Supervising certain expenditures. (g) supervise, where deemed necessary, the expenditure of any moneys borrowed by a municipality with the approval of the board; *New*.
- Detailed statement of affairs. (h) require and obtain from any municipality at any time and for any definite period statements in detail of any of its affairs, financial and otherwise; *New*.
- General. (i) generally, exercise such jurisdiction and powers as by or under the authority of this Act or *The Municipal Act* or any other general or special Act are conferred upon the board; *Partly new*.
- Rev. Stat. c. 223.
- Voluntary application to board for its approval of certain matters. **79.** Although not required by law so to do, any municipality may voluntarily apply to the board for its approval of,—
- (a) the exercise by the municipality of any of its powers which may or will involve or require the borrowing of money by the issue of its debentures;
- (b) the incurring of any debt;
- (c) the issuing of its debentures;
- (d) any by-laws passed or proposed to be passed for any such purpose. *New*.

Application to board for approval of by-law authorizing borrowing.

80. Any person the holder of or otherwise entitled to receive any debenture of a municipality or the proceeds of sale

thereof or to whom a debt has been incurred or from whom money has been borrowed under the authority of any by-law of a municipality may apply to the board for approval of such by-law, and the board may approve the same. *R.S.O. 1927, c. 233, s. 304 (1), amended.*

81. The board shall not grant or issue any approval or certificate under the provisions of this or any other general or special Act in respect of any municipal affair or matter, while the same or the validity thereof is called in question in any pending action or proceeding or by which it is sought to quash any by-law of a municipality relating thereto. *R.S.O. 1927, c. 233, s. 304 (2), part.* Approval to be withheld where litigation pending.

82. The board shall not approve any by-law of a municipality or certify the validity of any debenture issued thereunder until thirty days after the final passing of the by-law, unless such notice, if any, as the board may direct has been published or given of the application for such approval. *R.S.O. 1927, c. 233, s. 304 (2), part.* Time for giving approval.

83. The board may in any case, if in its opinion there has been a substantial compliance with the law, approve any by-law of a municipality and certify the validity of debentures issued thereunder, notwithstanding any invalidity or irregularity in the by-law or in any proceedings relating or incidental thereto prior or subsequent to its final passing. *R.S.O. 1927, c. 233, s. 304 (3), amended.* Validation where law substantially complied with.

84. Every debenture issued or to be issued under the authority of any by-law of a municipality approved by the board shall bear the seal and certificate of the board signed by a member thereof, or by a person specially authorized by the chairman, establishing that the by-law has been approved by the board and that the debenture is issued in conformity therewith. *New.* Debentures to be certified.

85. The certificate of the board to the validity of any debenture of a municipality shall be in the following form,— Form of certificate.

THE ONTARIO MUNICIPAL BOARD

In pursuance of *The Ontario Municipal Board Act, 1932*, the board certifies that By-law No. of the corporation of the of passed on the day of, 19 .., has been approved by the board, and that the within debenture, issued under the authority of such by-law and in conformity therewith, is valid and binding upon the said corporation and its validity may not be contested or questioned for any cause whatsoever.

Dated this day of, 19 ..

(SEAL)

.....
for the board.

R.S.O. 1927, c. 233, s. 304 (7), amended.

Validity
of certified
debentures.

86.—(1) Every by-law of a municipality approved by the board and every debenture issued thereunder bearing the seal and certificate of the board shall for all purposes be valid and binding upon the corporation of such municipality and the ratepayers thereof and upon the property liable for any rate imposed by or under the authority of the by-law and its validity may not be contested or questioned for any cause whatsoever, nor shall it be necessary to its validity that the judgment or opinion of any court or person be requisite or obtained. *R.S.O. 1927, c. 233, s. 304 (5), amended.*

(2) Where the board is satisfied that any by-law or other proceeding of a municipality is not entirely beyond its jurisdiction and powers or void *ab initio*, and the validity thereof has not been questioned in any court in any litigation which is pending or the by-law has not been set aside or quashed or the proceeding declared to be invalid by any court, the board may, notwithstanding any invalidity in the by-law or proceeding, approve the same, and in such case the provisions of subsection 1 shall apply to the by-law and to every debenture issued thereunder bearing the seal and certificate of the board. *New.*

Matters
to be con-
sidered prior
to approval.

87. The board, upon any application of a municipality for approval of the exercise by a municipality of any of its powers or of the incurring of any debt or the issue of any debentures or of any by-law, shall before approving the same consider the nature of the undertaking, the necessity or expediency of the same, the financial position and obligations of the municipality and all such other matters as in the opinion of the board may call for consideration. *New.*

Requisite
assent of
electors not
to be dis-
penssed with.

88. Where under the provisions of any general or special Act it is requisite that the assent of the electors of a municipality or of those thereof qualified to vote on money by-laws first be obtained to the exercise by the municipality of any of its powers or the incurring of any debt, issue of any debentures or passing of any by-law, the board shall not approve the exercise of such power, incurring of debt, issue of debentures or the by-law until such assent has been obtained. *New.*

PART VI

SPECIAL JURISDICTION OVER DEFAULTING MUNICIPALITIES

Inter-
pretation.

89. In this Part,—

"Improved
land,"

(a) "Improved land" shall mean any parcel of land separately assessed which has a building thereon, and shall include any land in actual use for agri-

cultural purposes, although there is no building thereon;

- (b) "Registrar" shall mean the registrar of a registry office; "Registrar."
- (c) "Registry Office" shall mean the registry office of the registry division for the county in which a municipality subject to this Part is situate; "Registry Office."
- (d) "Supervisors" shall mean a committee of supervisors appointed for a municipality under this Part. "Supervisors."
- (e) "Vacant Land" shall mean any parcel of land separately assessed, which has no building thereon, but shall not include any improved land. "Vacant Land."

90. The board shall have and may exercise the special jurisdiction and powers conferred by this Part, whenever, upon request of a municipality, expressed by resolution of its council, or upon request of the creditors of a municipality having claims representing not less than twenty per centum of its indebtedness, including debenture debt, it is satisfied upon inquiry that the municipality has,— Special municipal jurisdiction of board. When exercisable.

- (a) failed to meet and pay any of its debentures or interest thereon as the same became due and after payment thereof has been duly demanded; or Default in meeting debenture debt.
- (b) failed to meet and pay any of its other debts or liabilities when due and default in payment is occasioned from financial difficulties affecting the municipality; or Default in meeting other indebtedness.
- (c) become so financially involved or embarrassed that default in meeting any of its obligations may probably ensue. Financial difficulties rendering default probable.

(2) In the course of an inquiry the board may investigate any or all of the affairs of a municipality. Partial or full inquiry.

91.—(1) If upon inquiry the board is of opinion that the circumstances so warrant or appear to render desirable, it may make such order as it may deem proper or necessary to vest in supervisors control and charge over the administration of all or any of the affairs of the municipality as set forth in the order and to declare that thereafter and until the board shall otherwise determine and order such municipality shall be subject to the provisions of this Part. Power of board to vest control over municipal administration in supervisors.

Appoint-
ment of
committee
of
supervisors.

(2) The board shall forthwith appoint a committee of supervisors for the municipality to be known as "The Supervisors of the.....of....." (*naming the municipality*), to be composed of five persons, two of whom shall be nominated by the council, to be appointed by the board, two of whom shall be appointed by the board to represent the creditors of the municipality and the remaining one of whom shall be an independent person to be appointed by the board and he shall be the chairman of the committee.

Council to
submit the
names.

(3) The board may require the council to submit the names of more than two nominees from whom to appoint the two to be appointed to represent the municipality.

Vacancy.

(4) Where a vacancy occurs in the office of a supervisor the board shall fill the vacancy, but in so doing shall observe the provisions of subsection 2.

Failure to
nominate
supervisors.

(5) Where a municipality fails to nominate supervisors within thirty days after being requested to so do, the board shall appoint the same without nomination being necessary.

Supervisors
deemed to
be appointed
by board.

(6) Notwithstanding the provisions of subsections 1 and 3, each of the supervisors shall be deemed to be appointed by the board and each of them shall hold office during the pleasure of the board.

Supervisors
to be a
continuing
body.

(7) The supervisors shall be a continuing body notwithstanding any vacancy therein.

Powers of
supervisors.

92.—(1) Subject to the jurisdiction of the board, the supervisors shall have and may exercise the powers conferred on them by this Part and such additional powers as by any order of the board or by the terms of any agreement entered into under the authority of this Part may be conferred on them, and may do all things necessary or incidental to the exercise of any such powers.

Powers of
supervisors,
how
exercisable.

(2) The powers of the supervisors shall be exercised by resolution of the committee, and the committee may with the approval of the board adopt such rules of practice and procedure governing the meetings, transactions and exercise of the powers of the supervisors as may from time to time be deemed expedient.

Appeal to
boards.

93. The council or any local board or any creditor of either of them dissatisfied with any order, direction or decision of the supervisors may within fifteen days, or such further time as the board may allow, appeal therefrom to the board.

94. Where a municipality has become subject to the provisions of this Part, notice thereof shall be given in the *Ontario Gazette* and in such one or more newspapers, published in or near the municipality and elsewhere and to such persons and in such form as the board may direct.

Notice to be given of subjection of municipality to this Part.

95.—(1) When notice has been published in the *Ontario Gazette* that a municipality is subject to this Part, such publication shall operate as a stay of all actions or proceedings pending against the municipality and as a stay of execution as the case may be, and thereafter no action or other proceeding against the municipality shall be commenced or continued nor shall a levy be made under a writ of execution against the municipality, without leave of the board.

Stay of actions against municipality without leave of board.

(2) Where the commencement or continuance of any action or proceeding or the making of any levy under a writ of execution is prevented or stayed under this section, the time during which such prevention or stay continues shall not be computed for the purposes of any Statute or law of limitations until leave of the board to commence or continue such action or proceeding or make such levy is obtained but the person having the right of action or to take any proceeding or to make a levy under a writ of execution shall upon the removal of the prevention or stay, have the same length of time within which to take action or proceed or make a levy under a writ of execution, as the case may be, as he had when such prevention or stay came into operation; provided that this subsection shall not apply unless application is made to the board for approval of the continuance or commencement of any such suit, action or proceeding, within the time so limited as aforesaid by statute or law of limitations and such approval is refused.

Suspension of operation of statutes of limitation.

96. Nothing in this Part contained shall take away any lien, hypothec or other charge, if any, in existence and subsisting at the time this Part comes into force with respect to any municipality upon or against any revenue or other asset of the municipality and the same shall continue to exist until it is satisfied and discharged.

Existing liens not taken away.

97. The supervisors shall with respect to the municipality and every local board thereof have control and charge over the exercise by any of them of any of their powers with respect to,—

Control exercisable by supervisors.

- (a) the appointment and dismissal of its officers, employees and servants, and their powers, duties, salaries and remunerations;
- Municipal officers.

- | | |
|-----------------------------------|---|
| Revenues and expenditures. | (b) the collection, receipt, application and payment of its revenues and expenditures; |
| Accounting and audit. | (c) the system of accounting and audit, and the dealing with its assets, liabilities, revenues and expenditures; |
| Assessment. | (d) the making of and the manner and times for making the assessment and assessment rolls and of appeals therefrom; |
| Estimates. | (e) the yearly or other estimates and the form, preparation and completion thereof, and the times when the same shall be made; |
| What estimates shall include. | (f) the amounts to be provided for and included in the yearly or other estimates, whether the same are to be provided by taxation or otherwise; |
| Rates and collection thereof. | (g) the imposition, rating, levying and collection of all rates, assessments and taxation, the mode and times for collecting the same and the allowance of discounts or imposition of penalties thereon, and for the making and return of the collector's roll; |
| | (h) borrowing of moneys for the current expenditures of the corporation until the taxes are collected; |
| Utility rates. Rev. Stat., c. 57. | (i) subject to <i>The Power Commission Act</i> , the rates, rents and charges imposed, levied or collectible for supply or service of any public utility; |
| License and permit fees. | (j) imposition, charging and collection of all license permit or other fees, charges and expenses; |
| Sale of assets. | (k) the sale or other disposition of any of its assets; and |
| General. | (l) without being limited by the foregoing, generally with respect to any other matter in any way affecting or pertaining to its affairs and their administration. |

98. Where a municipality has become subject to this Part the board, with respect to the debenture debt and debentures of the municipality and interest thereon and with respect to any other indebtedness thereof, shall have power to authorize and order,—

- | | |
|---------------------------------------|--|
| Powers of board with respect to debt. | (a) consolidation of the whole or any portion thereof; |
|---------------------------------------|--|

- (b) issue of debentures in payment and satisfaction of the whole or any portions of such other indebtedness or any portion or portions thereof, and compulsory acceptance of such debentures in payment and satisfaction thereof;
- (c) issue of new debentures to cover any such consolidation;
- (d) issue of new debentures in substitution and exchange for any outstanding debentures and compulsory acceptance thereof by the holders of such outstanding debentures;
- (e) retirement and cancellation of the whole or any portion of the existing debenture debt and outstanding debentures, upon the issue of new debentures to cover the same or in exchange therefor;
- (f) terms, conditions, places and times for exchange of new debentures for outstanding debentures;
- (g) postponement of or variation in the terms, times and places for payment of the whole or any portion of the debenture debt and outstanding debentures and other indebtedness and interest thereon and variation in the rates of such interest;
- (h) cancellation, increase, decrease or other variation in the levy and collection of any assessment, rate or taxation, rent or charge imposed to meet, pay and discharge any debenture debt, debentures, or other indebtedness, and interest thereon, and to vary the basis, terms and times of payment thereof;
- (i) creation and setting aside of sinking funds and special reserves out of any portion of the revenues of the municipality for meeting, paying and discharging its debenture debt, debentures, or other indebtedness or any portion thereof or interest thereon;
- (j) custody, management, investment and application of sinking funds, reserves and surpluses;
- (k) ratification and confirmation of any agreement, arrangement or compromise entered into with its creditors or any of them respecting its debenture debt, debentures or other indebtedness or any portion thereof and interest thereon;

- (I) any variation, amendment or cancellation of any order made by it under this section or of the terms of any agreement, arrangement or compromise ratified and confirmed by it under this section.

Separate
school
board.

99. The board upon the application of the separate school board shall have power to make orders under and in accordance with the provisions of section 98 with respect to the debenture debt, debentures and other indebtedness of the separate school board and interest thereon.

Notice of
intention to
exercise
powers to be
published in
Ontario
Gazette.

100.—(1) Where the board upon its own initiative or upon application to it by the supervisors, the council, local board, or any of the creditors of the corporation or of any local board intends to exercise any of the powers conferred on the board under section 98, it shall before so doing, give or direct that there be given notice of such intention in the *Ontario Gazette* and by such other publication and to such persons and in such manner as to the board may seem proper, and such notice shall state the time and place when the matter is to be dealt with by the board, which time shall be not less than three months after the notice is published in the *Ontario Gazette*.

Subsection 1
not to apply
to matters
incidental to
exercise of
powers.

(2) The provisions of subsection 1 shall not apply with respect to any matter which is merely incidental to the exercise of any of said powers.

Objection
to be filed
with board.

(3) The board shall not make any order under section 98 if objection in writing to the making of such order is filed with the board by creditors representing not less than one-third in amount of the aggregate of the indebtedness of the municipality, including therein debenture indebtedness, but excluding therefrom indebtedness in respect of which the municipality is not directly but only contingently or collaterally liable.

Approval by
creditors.

(4) If creditors representing not less than fifty-one per centum in amount of the aggregate of the indebtedness of the municipality, including therein debenture indebtedness but excluding therefrom indebtedness in respect of which the municipality is not directly but only contingently or collaterally liable, have in writing filed with the board their approval of the making of any order of the board under section 98, it shall not be necessary that any notice be given under subsection 1 of the intention of the board to exercise its power to make such order, and in such case the provisions of subsection 3 shall not apply.

Debenture
debt not to
form part of
debt after
order of
board.

101. After an order of the board has been made under section 98 no portion of the debenture debt of the corporation

represented by debentures ordered to be cancelled, retired or exchanged shall form part of its debt within the meaning of any Act limiting its borrowing powers.

102. The supervisors may, with the approval of the board, enter into agreements with any person with whom the municipality has previously entered into any agreement, contract or obligation which or some term, provision or obligation of which remains in whole or in part or in any manner to be observed, performed or carried out by the municipality, for the variation, amendment or cancellation of any such subsisting agreement, contract or obligation. Supervisors may arrange to vary or cancel subsisting agreements.

103.—(1) The corporation shall not, under the provisions of any special or general Act, exercise or be required to exercise any of its powers if such exercise will or may require money to be provided by the issue of debentures of the corporation, without the approval of the board first being obtained. Board to approve debenture issues.

(2) The corporation may, with the approval of the board, pass by-laws providing for the issue of debentures and to authorize the hypothecation or sale thereof, but no such by-law shall have any force and effect until approved by the board. Approval of debenture by-laws.

(3) The provisions of sections 83, 84, 85 and 86 of this Act shall apply.

104. It shall not be necessary that the assent of the electors of the municipality or of those thereof qualified to vote on money by-laws be obtained with respect to any by-law of the corporation or the issue thereunder of any debentures if such by-law is approved by the board. Assent of electors not requisite.

105. The supervisors shall have full charge and control over all moneys belonging to the corporation and received by any person for or on its behalf and such moneys shall be deposited in a chartered bank to be designated by the supervisors and when so deposited shall only be applied, used, transferred and withdrawn for such purpose in such manner and at such time or times as the supervisors may approve and direct, and all cheques drawn and issued by the corporation shall be signed and countersigned by such persons and in such manner as the supervisors may authorize. Supervisors to have control over moneys and their application.

106.—(1) Notwithstanding the provisions of any general or special Act no rate, assessment, or amount shall be imposed, rated, levied or directed so to be upon the rateable property within the municipality or upon any part thereof unless the approval thereto of the supervisors has first been obtained. Approval of supervisors necessary to levy rate.

County rates
to be pro-
vided as
supervisors
may direct.

(2) Nothing in this Part contained shall relieve a municipality from the obligation to ultimately provide and pay to the county of which it forms or has formed part, the amounts of all county rates heretofore or hereafter directed to be levied by the county in such municipality with interest thereon at such rate as the county may have been obliged to pay upon any money borrowed by it upon debentures or otherwise until payment is made, and the payment of the said amounts with interest shall be made as and when the supervisors may direct.

Court of
Revision.
Rev. Stat.,
c. 238.

107. Notwithstanding anything in *The Assessment Act* contained, the court of revision for the municipality shall consist of three members to be appointed annually by the council with the approval of the supervisors and the members need not necessarily be members of the council.

Return of
collector's
roll.

108. The collector shall return his roll to the treasurer on or before such day in the year next following the year in which he received it as the supervisors may direct, and the treasurer shall as of the same day in every year add or commence to add the penalties or interest which under the provisions of *The Assessment Act* would be added on the 1st day of May in every year.

Rev. Stat.
c. 238.

Vesting of
vacant lands
in arrears
for taxes.

109.—(1) Where any part of the taxes on any vacant land within the municipality remains unpaid on the 31st day of December in the year next following that in which the taxes were levied, such vacant land shall be vested in and become the property of the corporation upon registration by the treasurer of a tax arrears certificate, subject to the right of redemption hereinafter provided and to the provisions of subsection 5.

Vesting of
improved
lands in
arrears for
taxes.

(2) Where any part of the taxes on improved land within the municipality remains unpaid on the 1st day of January in the third year following that in which the taxes were levied, such improved land shall be vested in and become the property of the corporation upon registration by the treasurer of a tax arrears certificate, subject to the right of redemption hereinafter provided and to the provisions of subsection 5.

Registration
of tax arrears
certificate.

(3) The treasurer, with respect to vacant land upon which any part of the taxes remain unpaid after the time mentioned in subsection 1 and with respect to improved land upon which any part of the taxes remains unpaid after the time mentioned in subsection 2, may register in the registry office a certificate to be known as a tax arrears certificate, Form 1 to this Act, setting forth therein a description of such vacant land or improved land, as the case may be, and the

amount of such unpaid taxes, with the amount of all penalties, interest and costs added thereto, and thereupon the land described in the certificate shall be vested in and become the property of the corporation, its successors and assigns, in fee simple or otherwise according to the nature of the estate right, title and interest whatsoever of the owners thereof at the time of such vesting, and clear of and free from all such estate right, title and interest, and all charges and encumbrances thereon and dower therein, subject only to the said right of redemption hereinafter provided and to the provisions of subsection 5.

(4) Immediately upon registration of a tax arrears certificate, the treasurer shall cause to be sent by registered mail to the last known address of the assessed owner of the land therein described and to all persons appearing by the records of the registry office to have an interest therein a written notice, Form 2 to this Act, of the registration of such certificate and of the last day for redemption of such land.

Notice of
registration
of
certificate.

(5) Where the Crown, whether as represented by the government of Canada or the government of the Province of Ontario, has any interest in any land in respect of which taxes are in arrear, the interest only of the persons other than the Crown therein shall be vested in the corporation by the registration of a tax arrears certificate, and where such interest is that of a lessee, licensee or locatee, such vesting shall be valid without requiring the consent of the Minister of Lands and Forests.

Interest of
Crown not
affected.

110. The owner of or any person appearing by the records of the registry office to have an interest in any vacant land or improved land in respect of which a tax arrears certificate has been registered may redeem the same at any time within one year after the date of registration of the certificate by paying to the corporation the amount set forth in such certificate in respect of the land to be redeemed, together with the amount of all expenses incurred by the corporation and the treasurer in registering the certificates and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 109, and also by paying to the corporation all taxes including the local improvement rates and interest thereon which would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year

Right of
redemption.

in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Registration
of
redemption
certificate.

(2) Upon redemption being made under this section, the treasurer shall forthwith register in the registry office a certificate to be known as a redemption certificate, Form 3 to this Act, setting forth therein a description of the land redeemed, and a redemption certificate shall, subject to subsection 3, when registered, be as valid and effective in law as a conveyance of the land described therein to the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, of the original estate of such registered owner and a valid and effectual cancellation of the tax arrears certificate registered with respect to such land.

Lien on
redemption
by other
than owner.

(3) If land is redeemed by any person entitled to redeem the same other than the owner such person shall have a lien upon the owner's interest therein for the amount paid to redeem the said land.

Duty of
registrar.

111.—(1) Every certificate registered under sections 109 and 110 shall be entered by the registrar in the registry book in its proper order and in the proper abstract index provided under *The Registry Act*.

Fees of
registrar.

(2) The registrar shall be entitled to the following fees for registration of a certificate under sections 109 and 110 and for searches made for the corporation for the purposes of section 109 and no others:

- (a) For registering a tax arrears certificate, \$2.00;
- (b) For registering a redemption certificate, .50c.;
- (c) If either certificate embraces more than one parcel of land, for each additional parcel over one, .05c.;
- (d) For each search made for the corporation for the purposes of section 109 five cents for each lot searched, but in no case to be more than \$5 for a search in respect of the lands described in any one tax arrears certificate.

Land
transfer tax
not payable.
Rev. Stat.,
c. 31.

(3) No tax shall be payable under the provisions of *The Land Transfer Tax Act* on registration of any tax arrears or redemption certificate.

112.—(1) The supervisors shall have the same right of appeal as any person assessed has under subsection 3 of section 72 of *The Assessment Act* with respect to the assessment roll of the municipality. Right of appeal of supervisors. Rev. Stat., c. 238.

(2) An appeal by the supervisors under this section may be made at any time within twenty days after the return of the roll and such appeal may be with respect to any particular assessment or omission to assess or generally with respect to all of the assessments included in the roll or any area of the municipality described in the notice of appeal or generally with respect to assessments of land only or buildings only or income or business included in the roll or in any area of the municipality defined in the notice of appeal.

(3) The supervisors shall have the same right of appeal from any decision of the court of revision or county judge as a person assessed has under *The Assessment Act*.

(4) Save as provided in subsection 2, in any appeal against a particular assessment by the supervisors the practice and procedure thereon shall be the same as in the case of an appeal by a person assessed.

(5) In any general appeal by the supervisors under the authority of this section the practice and procedure shall be determined by the court of revision, county judge or the board, as the case may be, and such notice or notices of the appeal shall be given by publication or otherwise as may be determined by the court, judge or board and upon the hearing of any such general appeal the court, judge or board shall have jurisdiction to review any or all of the assessments included in the roll as may be necessary to determine the appeal and may make any changes, alterations and amendments therein, and also to direct the making of a new assessment roll in accordance with the terms of the order of the court, judge or board. Practice and procedure in general appeal.

113. The supervisors may authorize a compromise of tax arrears to be entered into between the corporation and any ratepayer and in such compromise may provide for an extension of the time of payment of such arrears and a reduction of the amount thereof and acceptance of any debentures or debenture coupons of the corporation in satisfaction of the whole or part thereof. Compromise of tax arrears.

114. Any agreement entered into in accordance with the provisions of this Part shall be binding upon and enure to the benefit of the parties thereto and all persons over whom the Legislature of this province has legislative authority. Effect of agreements.

Power of
housing
commission
to amend
agreements.

115. The housing commission may with the approval of the board, amend the terms of any agreement for sale of property heretofore or hereafter entered into by it, and with respect to property sold under any agreement which has been cancelled or determined may enter into new agreements for sale thereof, and the terms of any such amended or new agreement may be such as the board may approve.

Exercise of
municipal
jurisdiction
subject to
this Part.

116. The jurisdiction and powers of a municipality subject to this Part exercisable under the provisions of any general or special Act shall only be exercised in accordance with and subject to the provisions of this Part and of any order of the board made, direction of the supervisors given and agreement entered into thereunder.

Exclusive
jurisdiction
of board.

117.—(1) The board shall have exclusive jurisdiction as to all matters arising under this Part or out of the exercise by the corporation or any other person of any of the powers conferred by this Part, and such jurisdiction shall not be open to question or review in any action or proceeding or by any court.

Supervisors'
directions
subject to
review by
board.

(2) The board may at any time of its own initiative or upon application made to it review any order, direction or decision of the supervisors and confirm, amend, vary or revoke the same.

Orders of
board final.

(3) Any order made or approval given by the board under this Part shall, subject to the right of the board to review and amend or revoke the same, be final and conclusive and not open to question in any court, except by leave of the board.

Powers of
board.

118. The board may make such orders and prescribe such forms from time to time as it may deem necessary to carry out the provisions of this Part or any agreement made in pursuance thereof and make rules and regulations in respect of applications, matters and things under this Part.

Forms of
certificates,
notices, etc.

119. Every certificate, notice or other form which is in substantial conformity with the form thereof required by the provisions of this Part or prescribed by the board, shall not be open to objection on the ground that it is not in the form required by the provisions of this Part or as prescribed by the board.

Powers
exercisable
for and in
name of
municipality.

120. Where a municipality has become subject to this Part, all acts, deeds, matters and things done, made or performed by or for the board or by or for the supervisors under this Part, in relation to the affairs of such municipality shall for all purposes be deemed to have been made, done and performed by and for the municipality and in its name.

121. The board and the supervisors shall have access at all times to all books, records, papers and documents of the municipality and of every local board, including but without limiting the generality of the foregoing, all assessment rolls, collectors' rolls, by-laws, minute books, books of account, vouchers, and other records, papers and documents relating to its and their financial transactions, and may inspect, examine, audit and copy the same or any part thereof.

Boards and supervisors to have access to all books and records.

122.—(1) Where a municipality has become subject to this Part, and its council or any local board fails, neglects or refuses to comply with any order, direction or decision of the board or the supervisors, the board may upon such notice, if any, as it may prescribe, do or order done all acts, deeds, matters and things necessary for compliance with such order or direction, and may exercise all the powers of the municipality or local board for such purpose and under its or their name and seal.

Powers of board to enforce orders.

(2) The council and every local board thereof, and every one of its or their members, officers, employees and servants shall comply with the orders, directions and decisions of the board or the supervisors in any matter relating to the administration of the affairs of such municipality or local board and, any such person who knowingly or wilfully fails, neglects or refuses to observe and comply with any such order, direction or decision, or who, as a member of the council or local board, votes contrary thereto shall incur a penalty of not less than \$25 and not more than \$500 for each offence, recoverable under *The Summary Convictions Act*, and any penalty so recovered shall belong to the general funds of the municipality.

Liability of members of council and local boards for non-compliance with orders and directions.

Rev. Stat., c. 121.

(3) If a municipality subject to this Part applies any of its funds otherwise than as ordered or authorized by the board or the supervisors, the members of the council or local board who vote for such application shall be jointly and severally liable for the amount so applied, and the same may be recovered in any court of competent jurisdiction, and such members shall also be disqualified from holding any municipal office for five years.

Personal liability and disqualification of members of council and local boards.

123. The board may dismiss from office any officer, employee or servant of a municipality who fails, neglects or refuses to carry out any order, direction or decision of the board or the supervisors.

Dismissal of municipal officers for non-compliance with orders and directions.

124. The board may by injunction proceedings instituted in its own name prevent or stop the exercise by or for a municipality of any of its powers which have not been approved by the board or the supervisors, when such approval is required under this Part.

Injunction against exercise of municipal powers when not approved by board.

Supervisors
may
combine
municipal
offices.

125. The supervisors may direct that any two or more of the offices of the municipality shall be combined and held by the same officer, and may subsequently separate any of the offices so combined.

Salary and
expenses of
supervisors.

126.—(1) The board may direct payment to the supervisors or any of them of such salary, fees, or remuneration and travelling and other expenses reasonably incurred by them as the board may determine.

Supervisors'
officer.

(2) The supervisors with the approval of the board may appoint some person who may be one of the supervisors or an officer of the corporation to exercise such powers and duties as the order of the board may provide, and the person so appointed shall be paid such salary and allowed such travelling and other expenses as the board may determine.

Council may
be heard
as to
salaries.

(3) The board in determining the salaries to be paid to the supervisors or to any person appointed by them under subsection 2 shall give consideration to such representations with respect thereto as the council may at any time make.

Salaries and
expenses to
be paid by
municipality.

(4) All salaries, fees, remuneration, travelling and other expenses payable to the supervisors under this section and all other expenses incurred by the board or the supervisors in the carrying out the provisions of this Part or in the exercise of their powers thereunder shall be paid by the corporation or local board, as the case may be, and be chargeable to such of its accounts as the supervisors may direct.

Supervisors
protected
from
liability.

127. The supervisors or any of them shall not be liable for any act or omission of them or any of them or of any person appointed or employed by them or any of them whatsoever save and except an act or omission involving his own fraud. No suit, action or other proceeding shall be brought against the supervisors or any one or more of them for anything done or omitted to be done or purported to be done by them, or any of them, in the carrying out of the provisions of this Part, save and except for an act or omission involving his or their fraud.

Provisions
of this Act
to prevail.

128. The powers contained in this Part shall be deemed to be in addition to and not in derogation of any power of the board and the municipality under this or any other Act, but where the provisions of any general or special Act or any other Part of this Act conflict with the provisions of this Part, the latter shall prevail.

Board may
end applica-
tion of this
Part.

129. Where the board is of opinion that the affairs of a municipality no longer require to be administered under this Part, it may make an order directing that on, from and after

a date fixed thereby the provisions of this Part shall no longer apply to the municipality and on, from and after such date the board and the supervisors shall cease to exercise jurisdiction and control over the municipality under this Part, and the committee of supervisors shall thereupon be dissolved.

(Part VI new).

PART VII

RAILWAY AND UTILITIES JURISDICTION

- 130.** The board shall have jurisdiction and power to,— Jurisdiction of board.
- (a) enquire into, hear and determine any applications made, proceedings instituted and matters brought before it under the provisions of any general or special Act relating to railways or public utilities or any of them where by such Act any jurisdiction or power is for such purpose conferred on the board; Railway and utility matters.
 - (b) hear and determine any application with respect to any railway or public utility, its construction, maintenance or operation by reason of the contravening or failure to comply on the part of any person, firm, company, corporation or municipality of or with the requirements of this or any other general or special Act, or of any regulation, rule, by-law or order made thereunder; or of any agreement entered into in relation to such railway, or public utility, its construction, maintenance or operation; Complaints of breach of railway or utility statutes, orders, agreements, etc.
 - (c) hear and determine any application with respect to any tolls charged by any person, firm, company, corporation or municipality operating a railway or public utility in excess of those approved or prescribed by lawful authority, or which are otherwise unlawful, unfair or unjust. *R.S.O. 1927, c. 225, s. 20, amended.* Railway and public utility rates and tolls.

131. The fact that a manager or other official or the liquidator or receiver of a railway or public utility is managing or operating or liquidating it under the authority of any court shall not be a bar to the exercise by the board of any jurisdiction or power conferred by this or any other general or special Act; and every such manager, official, liquidator or receiver shall be bound to manage, operate or liquidate such railway or public utility in accordance with this Act and under the orders and directions of the board, whether general or referring particularly to such railway or public utility, and he and every person acting under him shall obey all orders and directions of the board with respect to such railway or Jurisdiction over receivers, liquidators, etc., of railway or public utility.

public utility and be subject to have them enforced against him by the board, notwithstanding his authority or any order of the court under which he is appointed or acts. *R.S.O. 1927, c. 225, s. 20 (5), amended.*

132.—(1) Wherever,—

Powers, etc.
of Railway
Committee
transferred
to Board.

- (a) any power or authority is given to or duty imposed upon the Railway Committee of the Executive Council of Ontario by any Act or document;

Location of
line.

- (b) by any Act of this Legislature the location of any line of railway or the route and course thereof, or the maps, plans, and specifications, or any part of the equipment are subject to the approval of the Lieutenant-Governor in Council or of any of his Ministers;

such power or authority may be exercised and such duty shall be performed and such approval may be given by the board.

Furnishing
information.

- (2) Whenever in any Act it is provided that any railway company shall, during construction of any line of railway, furnish such information as to the location and plans of passenger or freight stations as may from time to time be required by the Lieutenant-Governor or any of his Ministers, or that such company shall comply with any directions that may be given for the erection of stations, or the number of them, such information shall be furnished to the board and its directions shall be complied with by the company. *R.S.O. 1927, c. 225, s. 4 (6), (7).*

Who is
a "party
interested."

- 133.** The decision of the board as to whether any person, firm, company, corporation or municipality is or is not a party interested within the meaning of any of the provisions of this Part shall be binding and conclusive upon such persons, firms, companies, corporations or municipalities. *R.S.O. 1927, c. 225, s. 20 (6).*

Super-
intending
accounts of
railways
and public
utilities
operated
by muni-
cipalities.

- 134.—(1)** The board shall superintend the system of book-keeping and keeping accounts of the assets, liabilities, revenue and expenditure of all railways and public utilities which are operated by or under the control of a municipality or a local board, and may require from it such returns and statements as to the board may seem proper, and may extract from such returns and statements such information as, in the opinion of the board, may be useful for publication, and may embody such portions of such returns and statements in the annual report of the board as to it may seem proper.

(2) The board may from time to time enquire and report Enquiry and report as to rates charged by public utilities. as to whether such railway or public utility is operated in such a way that the rates charged in respect thereof are sufficient to pay the debenture debt and interest created in respect thereof, and the cost of operation and maintenance, or whether greater rates are charged than are sufficient for such purposes.

(3) This section shall not apply to a public utility for the Exception. development or distribution of electrical power or energy obtained directly or indirectly from the Hydro-Electric Power Commission of Ontario. *R.S.O. 1927, c. 225, s. 57, amended.*

135.—(1) A dispute between a railway or public utility May arbitrate labour difficulties. company or corporation and its employees may be submitted to the board for its determination and settlement.

(2) The submission shall be in writing and shall contain a Submission. statement of the matters in dispute, and also an agreement to abide by the determination of the board and to continue in business or at work without a lockout or strike during the investigation.

(3) Upon such submission the board shall investigate and Investigation. determine the matters in dispute and shall render its decision within ten days after the completion of the investigation.

(4) The proceedings shall, as nearly as may be, be the same Procedure. as in the case of any other enquiry which the board is authorized to make, but the board may regulate the proceedings and the manner of conducting them as to the board may seem meet. *R.S.O. 1927, c. 225, s. 59.*

136.—(1) Whenever a strike or lockout of the employees of To mediate in case of strikes. any railway or public utility company or corporation occurs, or is threatened, the board shall proceed as soon as practicable to the locality thereof and endeavour by mediation to effect an amicable settlement of the controversy.

(2) Wherever there exists any such strike or lockout by Enquiry into cause of dispute and suggesting terms of settlement. reason of which, in the opinion of the board, the general public is likely to suffer injury or inconvenience with respect to food, fuel, light or power, or the means of communication or transportation, or in any other respect, and the parties to such strike or lockout will not consent to submit the matters in controversy to the board, the board, after having first endeavoured to effect a settlement by conciliatory means and having failed, may proceed of its own motion to make an investigation of all facts bearing upon such strike or lockout,

and shall make public its findings with such recommendations to the parties as, in its judgment, will contribute to a fair and equitable settlement of their differences, and in the prosecution of such enquiry the board shall have all the powers conferred upon it by section 135. *R.S.O. 1927, c. 225, s. 60.*

PART VIII

PRACTICE AND PROCEDURE

Notices. Evidence.

Notice,
requisites of.

137. Any notice required or authorized to be given in writing,—

- (a) by the board, may be signed by the chairman or secretary;
- (b) by the inspecting engineer, or other officer or person appointed by the board, may be signed by such inspecting engineer, officer or other person, as the case may be;
- (c) by any company or corporation, may be signed by the president or secretary, or by its duly authorized agent or solicitor; and
- (d) by any person, may be signed by such person or his duly authorized agent or solicitor. *R.S.O. 1927, c. 225, s. 27.*

Notices,—
how served.

138.—(1) Any notice required to be given to a company, municipality, corporation, co-partnership, firm or individual, shall be deemed to be sufficiently given by delivering the same, or a copy thereof, within the time, if any, limited therefor,—

Railway
company.

- (a) in the case of a railway company, to the president, vice-president, managing director, secretary or superintendent of the company, or to some adult person in the employ of the company at the head or any principal office of the company;

Muni-
cipality.

- (b) in the case of a municipality, to the head of the municipality, or to the clerk;

Other
companies.

- (c) in the case of any other company or corporation, to the president, vice-president, manager or secretary, or to some adult person in its employ at its head office;

(d) in the case of a firm or co-partnership, to any member thereof, or, at the last known place of abode of any such member, to any adult member of his household, or at the office or place of business of the firm to a clerk employed therein; and,

(e) in the case of an individual, to him, or, at his last known place of abode, to any adult member of his household, or, at his office or place of business, to a clerk in his employ.

(2) If, in any case within the jurisdiction of the board, it is made to appear, to the satisfaction of the board that service of any such notice cannot conveniently be made, in the manner provided in the next preceding subsection, the board may order and allow such service to be made by the publication of such notice for any period not less than three weeks in the Ontario Gazette, and also, if required, in any other newspaper; and such publication in each case shall be deemed to be equivalent to service in the manner provided in the said subsection.

(3) Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this section. *R.S.O. 1927, c. 225, s. 28.*

139. Every company, municipality or corporation shall, as soon as possible after the receipt by it, or service upon it, of any regulation, order, direction, decision, notice, report or other document of the board, or of the inspecting engineer, give cognizance thereof to each of its officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy thereof in some place where his work or his duties, or some of them, are to be performed. *R.S.O. 1927, c. 225, s. 29.*

140. Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the board in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificate of the secretary, be paid by the county interested the like fees as for similar services at the sittings of the Supreme Court for the trial of actions, and such fees shall be charged as expenses of the administration of justice. *R.S.O. 1927, c. 225, s. 30.*

141. Every written or printed document purporting to have been issued or authorized by a company or any officer, agent or employee of a company, or any other person or company for or on its behalf, shall, as against the company, be received as *prima facie* evidence of the issue of such document by the

company, and of the contents thereof, without any further proof than the mere production of such document. *R.S.O. 1927, c. 225, s. 31.*

Evidence of documents.

142.—(1) Every document purporting to be signed by the chairman and secretary, or by either of them, or by an inspecting engineer, shall, without proof of the signature, be *prima facie* evidence that such document was duly signed, and shall be sufficient notice to the company and all parties interested, if served in the manner provided by section 138 for service of notice, that such document was duly signed and issued by the board, or inspecting engineer, as the case may be.

Evidence of regulations, etc., etc.

(2) If such document purports to be a copy of any regulation, order, direction, decision or report, made or given by the board, or inspecting engineer, it shall be *prima facie* evidence of such regulation, order, direction, decision or report, and, when served in the manner provided by section 138, shall be sufficient notice of such regulation, order, direction, decision or report from the time of such service. *R.S.O. 1927, c. 225, s. 32.*

Certified plan, etc., *prima facie* evidence.

143.—(1) Any document purporting to be certified by the secretary as being a copy of any plan, profile, book of reference or other document deposited with the board, or of any portion thereof, shall, without proof of signature of the secretary, be *prima facie* evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which the same purports to be signed, certified, attested or executed, as shown or appearing from such certified copy, and also, if such certificate states the time when such original was so deposited, that the same was deposited at the time so stated.

Certified copies of documents of board.

(2) A copy of any regulation, order or other document in the custody of the secretary, or of record with the board, purporting to be certified by the secretary to be a true copy and purporting to be sealed with the seal of the board, shall be *prima facie* evidence of such regulation, order or document, without proof of the signature of the secretary. *R.S.O. 1927, c. 225, s. 33.*

Publication of regulations and orders.

Judicial notice.

144. Any rule, regulation, order or decision of the board, when published by the board, or by leave of the board, for three weeks in the *Ontario Gazette*, and while the same remains in force, shall have the like effect as if enacted in this Act, and all courts shall take judicial notice thereof. *R.S.O. 1927, c. 225, s. 34.*

Notice of application.

Board may vary length of time.

145. Unless otherwise provided ten days' notice of any application to the board, or of any hearing by the board, shall be sufficient, but the board may in any case direct longer or permit shorter notice of the application. *R.S.O. 1927, c. 225, s. 35.*

146.—(1) When the board is authorized to hear an application, complaint, or dispute, or make any order, upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the board to be sufficient, notwithstanding any want of or insufficiency in such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice.

Procedure in urgent cases when no notice given.

(2) Any person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the board may allow, apply to the board to vary, amend or rescind such order or decision, and the board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision, or dismiss the application, as may seem to it just. *R.S.O. 1927, c. 225, s. 36.*

When rehearing in such cases may be had.

Orders of Court

147.—(1) A certified copy of any order or decision made by the board under this Act or any general or special Act may be filed in the office of the Registrar of the Supreme Court, and shall thereupon become and be enforceable as a judgment or order of the Supreme Court to the same effect, but the order or decision may be nevertheless rescinded or varied by the board.

Making decisions or orders. Orders of court.

(2) It shall be optional with the board to adopt the method provided by this section for enforcing its orders or decisions or to enforce them by its own action. *R.S.O. 1927, c. 225, s. 37.*

Board may select method of enforcing order.

Terms of Orders

148.—(1) The board may direct in any order that the same, or any portion or provision thereof, shall come into force at a future fixed time, or upon the happening of any contingency, event or condition in such order specified, or upon the performance, to the satisfaction of the board or person named by it, of any terms which the board may impose upon any party interested, and the board may direct that the whole, or any portion of such order, shall have force for a limited time, or until the happening of any specified event.

Contingent orders.

Subject to forms.

Limited as to terms.

(2) The board may, instead of making an order final in the first instance, make an interim order and reserve further directions, either for an adjourned hearing of the matter or for further application. *R.S.O. 1927, c. 225, s. 38.*

Interim orders.

May grant partial or other relief than that applied for.

149. Upon any application to the board the board may make an order granting the whole, or part only, of such application, or may grant such further or other relief in addition to, or in substitution for, that applied for as to the board may seem just and proper as fully in all respects as if such application had been for such partial, other, or further relief. *R.S.O. 1927, c. 225, s. 39.*

Interim *ex parte* orders.

150. The board may, if the special circumstances of any case, in its opinion, so require, make an *interim ex parte* order authorizing, requiring or forbidding anything to be done which the board would be empowered on application, notice and hearing to authorize, require or forbid, but no such order shall be made for any longer time than the board may deem necessary to enable the matter to be heard and determined. *R.S.O. 1927, c. 225, s. 40.*

Extension of time specified in order.

151. When any work, act, matter or thing is, by any regulation, order or decision of the board, required to be done, performed or completed within a specified time the board may, if the circumstances of the case, in its opinion, so require, upon notice and hearing, or in its discretion upon *ex parte* application, extend the time so specified. *R.S.O. 1927, c. 225, s. 41.*

General Rules

Power to make rules.

152. The board may make general rules regulating its practice and procedure. *R.S.O. 1927, c. 225, s. 42.*

Other Provisions

Presumption of jurisdiction to make order.

153. An order of the board need not show upon its face that any proceeding or notice was had or given, or any circumstance existed, necessary to give it jurisdiction to make such order. *R.S.O. 1927, c. 225, s. 43.*

Effect of finding of fact in another court.

154.—(1) In determining any question of fact the board shall not be concluded by the finding or judgment of any other court in any action, prosecution or proceeding involving the determination of such fact, but such finding or judgment shall, in proceedings before the board, be *prima facie* evidence only.

Jurisdiction not affected.

(2) Subject as in this Act is otherwise provided the pendency of any action, prosecution or proceeding in any other court involving questions of fact shall not deprive the board of jurisdiction to hear and determine the same questions of fact.

Effect of finding of board on questions of fact.

(3) The finding or determination of the board upon any question of fact within its jurisdiction shall be binding and conclusive. *R.S.O. 1927, c. 225, s. 44.*

155.—(1) The board may, at the request of the Lieutenant-Governor in Council, or of its own motion, or upon the application of any party, and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal of the Supreme Court upon any question which, in the opinion of the board, is a question of law. Stating case for opinion of Court of Appeal.

(2) The Court of Appeal shall hear and determine such special case and remit the same to the board with the opinion of the court thereon. *R.S.O. 1927, c. 225, s. 45.* Action thereon.

156. The Lieutenant-Governor in Council may, at any time, upon petition of any party, person or company interested, all parties interested having been first heard, vary or rescind any order, decision, rule or regulation of the board, whether such order or decision is made *inter partes* or otherwise, and whether such regulation is general or limited in its scope and application; and any order which the Lieutenant-Governor in Council may make with respect thereto shall be binding upon the board and upon all parties. *R.S.O. 1927, c. 225, s. 46.* Power of Lieutenant-Governor in Council to vary or rescind orders or regulations of the board.

157.—(1) Subject to the provisions of Parts V and VI, an appeal shall lie from the board to the Court of Appeal of the Supreme Court upon a question of jurisdiction or upon any question of law, but such appeal shall not lie unless leave to appeal is obtained from the court within one month after the making of the order or decision sought to be appealed from or within such further time as the court, under the special circumstances of the case, shall allow after notice to the opposite party stating the grounds of appeal. Appeal on questions of jurisdiction.

(2) Upon such leave being obtained the registrar shall set the appeal down for hearing at the next sittings, and the party appealing shall, within ten days, give to the parties affected by the appeal, or the solicitors by whom such parties were represented before the board, and to the secretary, notice in writing that the case has been so set down; and the appeal shall be heard by such court as speedily as practicable. Notice of appeal.

(3) On the hearing of any appeal the court may draw all such inferences as are not inconsistent with the facts expressly found by the board and are necessary for determining the question of jurisdiction or law, as the case may be, and shall certify its opinion to the board and the board shall make an order in accordance with such opinion. Opinion of court.

(4) The board shall be entitled to be heard, by counsel or otherwise, upon the argument of any such appeal. Board may be heard by counsel.

(5) The Supreme Court shall have power to fix the costs and fees to be taxed, allowed and paid upon such appeals, Rules of court as to cost, etc.

and to make rules of practice respecting appeals under this section, and until such rules are made the rules and practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal shall be applicable to appeals under this Act.

Appeals
to Privy
Council in
certain cases.

(6) Subject to the provisions of Parts V and VI, when the matter in controversy exceeds the sum or value of \$4,000 or relates to the duration of a privilege to operate a railway along a highway, or to the construction of an agreement between a railway company and a municipal corporation, or to any demand affecting the rights of the public or to any demand of a general or public nature affecting future rights, an appeal shall lie from the Court of Appeal to His Majesty in His Privy Council, but no appeal shall lie to His Majesty in His Privy Council in any other case, except by leave of His Majesty. *R.S.O. 1927, c. 225, s. 47 (1-6).*

No appeal
in certain
cases.

Rev. Stat.,
c. 238.

(7) No appeal shall lie to His Majesty in His Privy Council, from any decision of the Court of Appeal upon an appeal from the board under *The Assessment Act* or under Part VI of this Act. *R.S.O. 1927, c. 225, s. 47 (7), amended.*

Members of
board not
liable for
costs.

(8) Neither the board nor any member of the board shall in any case be liable to any costs by reason or in respect of any appeal or application under this section.

Decisions of
board to be
final.

(9) Save as provided in this section and in section 156,—

(a) every decision or order of the board shall be final; and,

Not to be
questioned
by prohi-
bition, etc.

(b) no order, decision or proceeding of the board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari* or any other process or proceeding in any court. *R.S.O. 1927, c. 225, s. 47 (8 and 9).*

Costs.

158.—(1) The costs of and incidental to any proceeding before the board, except as herein otherwise provided, shall be in the discretion of the board, and may be fixed in any case at a sum certain or may be taxed.

Taxation.

(2) The board may order by whom and to whom any costs are to be paid, and by whom the same are to be taxed and allowed.

Scale.

(3) The board may prescribe a scale under which such costs shall be taxed. *R.S.O. 1927, c. 225, s. 49.*

Witness fees.

159. Every person summoned to attend before the board or before any inspecting engineer, or person appointed to make inquiry and report, shall, in the discretion of the board,

receive the like fees and allowances for so doing as if summoned to attend before the Supreme Court. *R.S.O. 1927, c. 225, s. 53.*

160.—(1) The board may charge and collect such fees, as ^{Fees for copies, certificates, etc.} to it may seem proper for all copies of documents, maps or plans, and all certificates as to the same.

(2) All fees charged and collected by the board shall be ^{Payment over to Province.} paid over quarterly, accompanied by a detailed statement thereof, to the Treasurer of Ontario. *R.S.O. 1927, c. 225, s. 61.*

161. There shall be paid in law stamps upon every order made by the board such sum as it may direct, regard being ^{Fees on orders of board to be paid in stamps.} had to the time occupied by the board and its officers and the expense occasioned to the Province in the matter, and such law stamps shall be provided in the first instance by the applicant for such order, and such sum shall be a debt due by the applicant to His Majesty, and a summary order may be made for payment thereof by the board, and the order may be made an order of the Supreme Court. *R.S.O. 1927, c. 225, s. 62.*

PART IX

MISCELLANEOUS

ANNUAL REPORT OF BOARD

162.—(1) The board shall make an annual report, on or ^{Annual report.} before the 31st day of March in each year, to the Lieutenant-Governor, which shall contain,—

- (a) a record of its meetings and an abstract of its pro- ^{Contents.}ceedings during the preceding calendar year;
- (b) a statement of the result of any examination or investigation conducted by it;
- (c) such statements, facts and explanations as will disclose the actual workings of the system of railway transportation in its bearing upon the business and prosperity of Ontario, and such suggestions as to the general railway policy of the Province, of the amendments of its laws, or the condition, affairs or conduct of any railway or street railway as may seem to it advisable;
- (d) such tables and abstracts of all the reports of all the railway and street railway companies as it may deem expedient;

- (e) a statement in detail of its disbursements;
- (f) such other matters as appear to the board to be of public interest in connection with the persons, companies and railways, subject to this Act; and,
- (g) such matters as the Lieutenant-Governor in Council directs.

Laying
report before
Assembly.

(2) The Lieutenant-Governor shall lay the report before the Assembly forthwith if then in session, or if not then in session within fifteen days after the commencement of the next session. *R.S.O. 1927, c. 225, s. 56.*

Publishing
information
without
leave.

163. If any officer or servant of the board, or any person having access to or knowledge of any return made to the board, or of any evidence taken by the board in connection therewith, without the authority of the board first obtained, publishes or makes known any information, having obtained the same or knowing the same to have been derived from such return or evidence, he shall incur a penalty not exceeding \$500 for such offence and shall also be liable to imprisonment for any term not exceeding six months. *R.S.O. 1927, c. 225, s. 58.*

Penalty.

Powers
of Hydro-
Electric
Power Com-
mission.
*Rev. Stat.,
c. 57.*

164. Nothing in this Act contained shall confer upon the board any jurisdiction as to matters which, under *The Power Commission Act*, are within the exclusive jurisdiction of The Hydro-Electric Power Commission of Ontario. *R.S.O. 1927, c. 225, s. 20 (7).*

Repeal.

165. The following Acts and Parts of Acts are repealed, namely,—

- (a) *The Railway and Municipal Board Act*, being chapter 225 of the Revised Statutes of Ontario, 1927;
- (b) Section 11 of *The Statute Law Amendment Act, 1928*;
- (c) Section 12 of *The Statute Law Amendment Act, 1929*;
- (d) *The Bureau of Municipal Affairs Act*, being chapter 232 of the Revised Statutes of Ontario, 1927;
- (e) Section 304 of *The Municipal Act*, being chapter 233 of the Revised Statutes of Ontario, 1927.
- (f) *The Municipal and School Accounts Audit Act*, being chapter 243 of the Revised Statutes of Ontario, 1927; and

(g) *The Municipal and School Accounts Audit Act, 1931.*

166. This Act shall come into force on the day upon ^{Commence-}
which it receives the Royal Assent. ^{ment of Act.}

FORM 1

TAX ARREARS CERTIFICATE

To the Registrar of the Registry Division of the of.....

I HEREBY CERTIFY by virtue of *The Ontario Municipal Board Act, 1932*, section 109, that the lands hereinafter described, by reason of certain taxes thereon remaining unpaid for the period mentioned in said section are hereby vested in and have become the property of the.....
.....of..... (naming the municipality).

Description of Lands	Amount of Unpaid Taxes with Penalties, Interest and Costs	Whether Vacant or Improved Land

The period within which the right of redemption may be exercised under the said Act with respect to the above described land is one (1) year from the date of registration of this certificate.

Dated at.....this.....day of....., 19 ..

.....
Treasurer.

FORM 2

NOTICE OF REGISTRATION OF TAX ARREARS CERTIFICATE

TAKE NOTICE that by virtue of *The Ontario Municipal Board Act, 1932*, section 109, a tax arrears certificate has been registered against the following lands, namely:

.....
.....

and by reason thereof the same are vested in and have become the property of the corporation of the.....of.....(naming the municipality) subject only to your right of redemption of the same on or before the.... day of....., 19 .., which is the last day for redemption.

Dated at.....this.....day of....., 19 ..

.....
Treasurer.

FORM 3

REDEMPTION CERTIFICATE

To the Registrar of the Registry Division of the.....of.....

I HEREBY CERTIFY that the lands hereunder described have been redeemed by.....under the provisions of *The Ontario Municipal Board Act, 1932*.

Description of Lands

.....
.....

Take notice that where land is redeemed by any person entitled to redeem the same other than the owner, such person has a lien upon the owner's interest therein for the amount paid to redeem said land.

Dated at.....this.....day of....., 19 ..

.....
Treasurer.

BILL

An Act respecting The Ontario Municipal Board.

1st Reading

March 16th, 1932

2nd Reading

March 22nd, 1932

3rd Reading

March 24th, 1932

Mr. PRICE

No. 117

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Assessment Act.

MR. MCBRIEN

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 238, s. 60,
subs. 3,
amended.

1. Subsection 3 of section 60 of *The Assessment Act* as amended by section 5 of *The Assessment Amendment Act, 1929*, is further amended by striking out all the words therein after the words "county judge" in the eighth line and inserting in lieu thereof the words "shall be within ten days after the decision of the court of revision is given," so that the subsection shall now read as follows:

Appeals
to county
judge.

- (3) The county judge may sit from time to time throughout the year for the purpose of hearing appeals from the court of revision upon the determination of appeals made to the court with respect to each roll; and the time for appeal to the court of revision shall be within ten days after the last day fixed for the return of the roll for each ward or subdivision of a ward; and the time for appealing from the court of revision to the county judge shall be within ten days after the decision of the court of revision is given.

EXPLANATORY NOTE

The object of the amendment is to extend the time within which notice of appeal to the county judge from decisions of the court of revision may be given. The present law is that notice is to be given within five days of the decision if given at the hearing or if the court reserves, then within five days of the date written notice is received or mailed of the decision.

BILL

An Act to amend The Assessment Act.

1st Reading

March 16th, 1932

2nd Reading

3rd Reading

MR. MCBRIEN

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act for the Better Protection of Owners and Operators
of Storage Battery Service Stations.

MR. OAKLEY

BILL

An Act for the Better Protection of Owners and Operators of Storage Battery Service Stations.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Battery Service Stations Protection Act, 1932*.

2. In this Act,—

Interpre-
tation.

"Battery
service
station."

(a) "Battery service station" shall mean any building or part of a building within or in connection with which any service is rendered in the ordinary course of business upon a storage battery by recharging, repairing or supplying parts therefor;

"Pro-
prietor."

(b) "Proprietor" shall mean any proprietor or owner of a battery service station;

"Storage
battery."

(c) "Storage battery" shall include any electrical storage battery, generator, electrical motor distributor and the necessary wires, wiring or parts thereof.

Rental
storage
battery to
be marked.

3. Every proprietor who supplies a storage battery to any person under an agreement for hire thereof shall print, paint, stamp or emboss thereon the word "rental" or securely attach thereto a tag or disk with the word "rental" printed, painted, stamped or embossed thereon, together with such other name or mark sufficient to identify such storage battery as being the property of such proprietor.

Indenti-
fication not
to be re-
moved.

4. No person shall remove, deface, alter or destroy, or cause to be removed, defaced, altered or destroyed the word "rental" or any such tag or disk or any identification name or mark printed, painted, stamped, embossed on or attached to any storage battery except a storage battery of which he is the owner.

EXPLANATORY NOTES

This Act is for the protection of garage owners who are engaged in the business of renting storage batteries.

The return of their property cannot be enforced under the present laws of the Province of Ontario. They cannot remove their own property from an automobile without the consent of the owner without becoming liable to certain penalties and as a result large sums of money are lost by the garage owners annually through the illegal retention of their property by certain automobile owners. Additional sums of money are lost annually through the non-payment of rental charges. As the result of these conditions the operating charges of these stations are tremendously increased.

Under the present law a magistrate cannot issue a summons or a warrant and the only remedy is to sue in the division court. This is costly and the delay so great that the expense is seldom worth while. In other words, under the present law, automobile owners may deliberately keep a battery which they have rented.

By the proposed amendment the owners of automobile service stations shall have a quick, convenient and inexpensive method of regaining their rightful property.

Proprietor
to have his
own storage
batteries
only.

5. Except as herein provided no proprietor shall receive or retain in his possession any rental storage battery of which he is not the owner; provided that in cases of emergency he may receive and retain a rental storage battery if within two days from the receipt thereof he notifies the proprietor whose name or mark is printed, painted, stamped or embossed thereon, or on a tag or disk attached thereto, of the receipt of such rental storage battery.

Storage
battery to be
retained not
longer than
fourteen
days.

6. No person shall retain in his possession for a longer period than fourteen days, without the written consent of the owner, any storage battery upon which the word "rental" is printed, painted, stamped or embossed, or to which is attached a tag or disk with the word "rental" printed, painted, stamped or embossed thereon.

Information
may be laid
when storage
battery not
returned.

7. Where any person retains in his possession for a longer period than fourteen days a rental storage battery of which he is not the owner, notice shall be sent to him by registered mail at his last-known address to return forthwith to the owner thereof such rental storage battery, and if within two days of the mailing of the registered letter such storage battery has not been returned the owner may lay an information under oath before a police magistrate who shall thereupon issue a summons directed to the person failing to return the storage battery calling upon him to appear at the time and place named in the summons to show cause why such storage battery has not been returned.

Court may
order return
of storage
battery to
owner and
payment of
rental and
damages.

8. If the police magistrate finds that the owner is entitled to the return of the storage battery, he shall order such return to be made and if the storage battery has been damaged or cannot be returned he shall order the person retaining the same to pay to the owner the value of such storage battery or compensate him for the damage and in addition may order that such person shall forthwith pay to the owner whatever rental may be owing for the use of such storage battery together with the charges for recharging, making repairs to or supplying parts for such storage battery, and if the person retaining the storage battery fails to carry out the order of the magistrate the magistrate may order him to be imprisoned for a period not exceeding ten days.

Penalty.

9. Any person violating any of the provisions of sections 4, 5 or 6 shall be guilty of an offence against this Act and shall be liable upon conviction to a fine not exceeding \$20 for each such offence and in default of payment thereof shall be imprisoned for a period not exceeding ten days.

Application
of Rev. Stat.,
c. 121.

10. *The Summary Convictions Act* shall apply to the laying of informations and the enforcement of orders made under sections 7, 8 and 9.

Commence-
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act for the Better Protection of Owners
and Operators of Storage Battery
Service Stations.

1st Reading

March 16th, 1932

2nd Reading

3rd Reading

MR. OAKLEY

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Municipal Act.

MR. CALDER

No. 119

1932

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 233, s.
431a (1928,
c. 37, s. 16),
(heading),
amended.

1. Section 431a of *The Municipal Act* as enacted by section 16 of *The Municipal Amendment Act, 1928*, and amended by section 36 of *The Municipal Amendment Act, 1931*, is further amended by adding to the heading thereof the words "and by councils of cities having a population of less than 100,000," so that the said heading shall now read as follows:

431a. By-laws may be passed by boards of commissioners of police of cities having a population of not less than 100,000 and by councils of townships bordering on a city having a population of not less than 100,000 and by councils of cities having a population of less than 100,000.

EXPLANATORY NOTE

The object of the amendment is to extend to all cities the power to license and regulate dealers in coal and coke.

BILL

An Act to amend The Municipal Act.

1st Reading

March 16th, 1932

2nd Reading

3rd Reading

MR. CALDER

No. 120

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Municipal Act.

MR. CLARK

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 120

1932

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 233, s. 414,
amended.

1. The heading of section 414 of *The Municipal Act* is amended by inserting after the word “of” in the first line the words “towns and villages and by the councils of,” so that the said heading shall now read as follows:

414. By-laws may be passed by the councils of towns and villages and by the councils of townships bordering on or situate within ten miles of a city having a population of not less than 100,000.

EXPLANATORY NOTE

The object of the amendment is to enable town and village councils to pass by-laws, as cities and townships near large cities now can, to control the location of certain types of business the introduction of which into choice residential areas, etc., may spoil the same, and also to exercise the other powers conferred by the section in the general interests of the community.

BILL

An Act to amend The Municipal Act.

1st Reading

March 16th, 1932

2nd Reading

3rd Reading

MR. CLARK

No. 121

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend the Local Improvement Act.

MR. MCBRIEN

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 121

1932

BILL

An Act to amend the Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 235, s. 41,
sub. 2,
amended.

1. Subsection 2 of section 41 of *The Local Improvement Act* is amended by adding at the end thereof the following words, "except that the court may in the case of any of the works mentioned in section 27a review and alter the proportions of the cost of such work and exempt from, or make reductions, in the special assessment with which any lot abutting thereon is charged."

EXPLANATORY NOTE

The object of the amendment is to enable the Court of Revision to grant relief where lanes are opened or paved, etc., if it is of opinion that any lot is improperly or over assessed for the cost of the work.

BILL

An Act to Amend The Local Improvement
Act

1st Reading

March 16th, 1932

2nd Reading

3rd Reading

MR. MCBRIEN

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act for granting Aid to the Medical Faculty of the University
of Western Ontario.

MR. HENRY (York East)

No. 122

1932

BILL

An Act for granting Aid to the Medical Faculty of the University of Western Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The University of Western Ontario Act, 1932*.

Annual grant to University. **2.** There may be granted out of the Consolidated Revenue Fund to the University of Western Ontario an annual sum not exceeding \$20,000 for a period of ten years commencing with the year 1933, the same to be expended in providing accommodation for the medical faculty of the said university in such manner and subject to such conditions as may be agreed upon between the Crown and the said university.

Commencement of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

There have been numerous grants from time to time to other universities for special purposes.

In 1897 there was an appropriation made by statute for the University of Toronto and at the same Session certain townships were set apart and the proceeds of sales therein allotted to the University. This provision is still in force.

BILL

An Act for granting Aid to the Medical
Faculty of the University of
Western Ontario.

1st Reading

March 16th, 1932

2nd Reading

3rd Reading

MR. HENRY (York East)

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act for granting Aid to the Medical Faculty of the University
of Western Ontario.

MR. HENRY (York East)

No. 122

1932

BILL

An Act for granting Aid to the Medical Faculty of the University of Western Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The University of Western Ontario Act, 1932*.

Annual
grant to
University.

2. There may be granted out of the Consolidated Revenue Fund to the University of Western Ontario an annual sum not exceeding \$20,000 for a period of ten years commencing with the year 1933, the same to be expended in providing accommodation for the medical faculty of the said university in such manner and subject to such conditions as may be agreed upon between the Crown and the said university.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act for granting Aid to the Medical
Faculty of the University of
Western Ontario.

1st Reading

March 16th, 1932

2nd Reading

March 21st, 1932

3rd Reading

March 25th, 1932

MR. HENRY (York East)

No. 123

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend the School Laws.

MR. HENRY (York East)

No. 123

1932

BILL

An Act to amend the School Laws.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The School Law Amendment Act, 1932*.

Rev. Stat.,
c. 323, s. 1, cl.
1, amended.

2. Clause 1 of section 1 of *The Public Schools Act* is repealed and the following substituted therefor:

To enlarge
definition
of school
section.

(1) "School section" shall mean a locality formed of the whole of or any area in or any part of a township or of the whole or part of one or more townships or of the whole or any part of an urban municipality and the whole of or any area in or any part of an adjacent township for which a public school board has heretofore been or hereafter is established under the authority of this Act.

Rev. Stat.,
c. 323, s. 15,
subs. 1,
amended.

3. Subsection 1 of section 15 of *The Public Schools Act* is amended by inserting after the word "apart" in the fourth line the words "the whole or" and by striking out the words "lying contiguous to a city or town" in the fourth and fifth lines, so that the subsection shall now read as follows:

By-law
setting apart
township
school area.

(1) The council of a township may by by-law passed with the consent of a majority of the whole number of members of the council before the 1st day of July in any year, set apart the whole or any portion of the township as a township school area and may declare that thereafter the school sections included in the township school area shall cease to exist and that the boards having jurisdiction therein shall be dissolved.

Rev. Stat.,
c. 323, s. 16,
amended.

4. Section 16 of *The Public Schools Act* is amended by striking out the words "a contiguous city or town" in the

EXPLANATORY NOTES

Section 2. The actual definition of school section has heretofore been limited to a part of one or more townships, although it is frequently used with reference to other school areas, including urban municipalities. It should apply to any school area for which a school board is established.

Sections 3, 4 and 5. The present power to establish a school area composed of the whole or portion of a township is limited to townships contiguous to a city or town. The amendment is to make sections 15, 16 and 17 applicable to any township. The sections retain their "permissive" character only.

fourth line and inserting in lieu thereof the words "an adjacent urban municipality," so that the section shall now read as follows:

Agreement
with urban
board.

16. Subject to the approval of the Minister, the board of public school trustees of a township school area may enter into an agreement with the board of education or board of public school trustees of an adjacent urban municipality for the purposes and in the manner provided by section 87.

Rev. Stat.,
c. 323, s. 17,
subs. 1,
amended.

5. Subsection 1 of section 17 of *The Public Schools Act* is amended by striking out the words "with the board of a contiguous city or town" in the third line and also by striking out the words "the portion of the township included" in the fourth and fifth lines and inserting in lieu of the latter the words "the taxable property of the public school supporters," so that the subsection shall now read as follows:

Exemption
from town-
ship rate.

- (1) Where the board of public school trustees of a township school area has entered into an agreement under section 16, the council of the township may exempt the taxable property of the public school supporters in such township school area from the general rate required to be levied under section 109, but such exemption shall not be granted until the Minister has given his approval thereto in writing.

Rev. Stat.,
c. 323, s. 39,
amended.

6. Section 39 of *The Public Schools Act* is amended by adding thereto the following subsection:

Time for
making
awards.

- (3) Arbitrators appointed under any of the provisions of this Act shall make their award within one month from the time when the last arbitrator was appointed, provided, however, that the county or district judge may extend the time for making an award upon application to him by the arbitrators either before or after the time for making the award has expired.

Rev. Stat.,
c. 323, s. 60,
subs. 2
(1931,
c. 71, s. 4),
repealed.

- 7.—(1) Subsection 2 of section 60 of *The Public Schools Act* as enacted by section 4 of *The School Law Amendment Act, 1931*, is repealed and the following substituted therefor:

Rates in
urban muni-
cipalities.

- (2) In urban municipalities situate in unorganized territory where a like condition exists the rates to be so levied on public school supporters shall be equal to those levied in the nearest municipality.

Rates in
rural school
sections.

- (3) In rural school sections in townships situate in unorganized territory where a like condition exists

Section 6. At present no time is set within which arbitrators appointed for any of the purposes are to make their award. It is desirable to establish some definite period, and by fixing it at one month, with provision for extension of time in unusual circumstances, speedy action will be ensured.

Section 7. Peculiar results have followed in unorganized territory where no public school has been established, and complete escape from school taxation has been possible even although children were attending school elsewhere or of a different kind. It is necessary to provide against this and section 60 can be adapted to meet the needs. To make the school rates available for practical use the amendment made to section 324 of *The Municipal Act* is proposed.

the rates to be so levied on public school supporters shall be equal to the average rate levied on public school supporters in the other rural school sections in the same township in which there is a public school, or if there be none then equal to the rate levied on public school supporters in the nearest rural school section outside the township in which there is a public school.

Rev. Stat.,
c. 233, s. 324,
amended. (2) Section 324 of *The Municipal Act* is amended by striking out the words "poor school sections" in the last line and inserting in lieu thereof the word "schools."

Rev. Stat.,
c. 323, s. 62,
subs. 3,
repealed. 8. Subsection 3 of section 62 of *The Public Schools Act* is repealed and the following substituted therefor:

Qualifica-
tion of
trustees.

(3) The persons qualified to be elected trustees shall be any person who is a British subject, of the full age of twenty-one years, not disqualified under this Act and who is,—

(a) a resident ratepayer; or

(b) the husband, wife, son or daughter of a person assessed as the owner of a farm if resident on the farm with the assessed owner;

and no person not so qualified shall be elected or competent to act as trustee.

Rev. Stat.,
c. 323, s. 72,
subs. 1,
amended. 9.—(1) Subsection 1 of section 72 of *The Public Schools Act* is amended by striking out the paragraph immediately preceding clause *a* of the said subsection and inserting in lieu thereof the following paragraph:

"and if the majority of the votes on the said question are in the affirmative, at the first annual election held thereafter nine trustees shall be elected and the three of them who receive the highest number of votes shall hold office for three years, the three of them who receive the next highest number of votes shall hold office for two years, and the remaining three of them shall hold office for one year, each of them, however, holding office until his successor is elected and takes office."

Election of
public school
trustees by
general vote. (2) The said section 72 is further amended by adding thereto the following subsections:

Section 8. This amendment is intended to ensure that school trustees shall more nearly approach the category of actual ratepayers than is now the case.

Section 9. The amendments are to establish more clearly the composition and mode of election of a public school board in cities of over 100,000, where the election is by general vote.

Election by
ballot.

- (2a) Every election of trustee by general vote provided for in subsections 1 and 2 shall be by ballot and the provisions of subsections 4 and 5 of section 76 shall apply thereto.

Tenure of
office.

- (2b) If at the first election of trustees by general vote at the nomination meeting no more candidates are nominated for office than the nine who are to be elected and those nominated are declared to be duly elected, the three of them who have the highest rateable assessments shall hold office for three years, the three of them who have the next highest rateable assessments shall hold office for two years and the remaining three of them shall hold office for one year, each of them, however, holding office until his successor is elected and takes office, and the amount of the rateable assessment of each of them shall be ascertained from the last revised assessment roll of the municipality.

Procedure on
tie vote.

- (2c) If at the first election of trustees by general vote under this section the third and fourth or the sixth and seventh of them in order of highest number of votes receive an equal number of votes that one of the third and fourth, or the sixth and seventh, respectively, who has the highest rateable assessment according to the last revised assessment roll of the municipality shall hold office for three years or two years, as the case may be, and until his successor is elected and takes office.

Rev. Stat.,
c. 323, s. 82,
subs. 1,
amended.

10. Subsection 1 of section 82 of *The Public Schools Act* is amended by adding at the commencement thereof the following words "unless a date for the first meeting has been decided upon by the board of the preceding year," so that the subsection shall now read as follows:

First
meeting of
board.

- (1) Unless a date for the first meeting has been decided upon by the board of the preceding year, every urban board shall hold its first meeting in each year on the third Wednesday in January at the hour of seven o'clock in the evening or at such other hour on the same day and at such place as may have been fixed by resolution of the former board, or, if no place has been so fixed, at the usual place of meeting of the council of the municipality.

Rev. Stat.,
c. 323, s. 83,
subs. 1,
amended.

11. Subsection 1 of section 83 of *The Public Schools Act* is amended by striking out the figure "4" in the first line and inserting in lieu thereof the figure "5."

Section 10. Objection is taken that a newly organized school board cannot meet earlier than the third Wednesday in January. The amendment enables the retiring board to fix an earlier date, as can be done in the case of a board of education.

Section 11. Is to correct an error.

Rev. Stat., c. 323, s. 88, cl. u, repealed. **12.** Clause u of section 88 of *The Public Schools Act* is repealed.

Rev. Stat., c. 323, s. 92a, (1929, c. 84, s. 3), repealed. **13.** Section 92a of *The Public Schools Act* as enacted by section 3 of *The School Law Amendment Act, 1929*, is repealed and the following substituted therefor:

Transportation of resident pupils attending outside schools. 92a.—(1) The board of a section or municipality may provide for the transportation of pupils residing in the section or municipality, as the case may be, to and from a continuation, high or vocational school situate elsewhere which such pupils have the right by law to attend, and for the purpose may co-operate with any other board.

Cost of transportation. (2) The cost of providing transportation under section 92 or this section shall be an expense to be included in the estimates for the current year.

Rev. Stat., c. 323, s. 103, subs. 1, amended. **14.** Subsection 1 of section 103 of *The Public Schools Act* is amended by adding at the end thereof the following words "and shall be executed before the teacher enters upon his duties," so that the said subsection shall now read as follows:

Execution of agreement with teacher. (1) Every agreement between a board and a teacher shall be in writing, signed by the parties thereto and sealed with the seal of the board, and shall be executed before the teacher enters upon his duties.

Rev. Stat., c. 325, s. 2, subs. 7 and 8 repealed. **15.**—(1) Subsections 7 and 8 of section 2 of *The Continuation Schools Act* are repealed and the following substituted therefor:

Township levy and teachers' salaries. (7) For the purposes of subsections 1 and 2 of section 109 of *The Public Schools Act* a continuation school established by one or more public school boards shall be deemed a public school, but in no case shall the township council or councils be required to levy a rate thereunder for grants towards the salaries of more than one principal and two assistant teachers in any continuation school.

Levy for school established by separate school board. (8) Where a continuation school is established by one or more separate school boards, the amount to be levied shall be levied upon the supporters of separate schools established by such board or boards.

Rev. Stat., c. 325, s. 2, amended. (2) Section 2 of *The Continuation Schools Act* is further amended by adding thereto the following subsections:

Section 12. With the amendment contained in section 14, it is no longer necessary to continue clause *u* of section 88.

Section 13. As section 92*a* is now worded it is not clear which school board is to meet transportation cost, and it is desirable to indicate definitely that the school section in which a pupil resides is the one which is to bear the cost.

Section 14. The amendment is to ensure that the engagement of a teacher is definitely concluded before the duties commence.

Section 15. (1) The object of the amendment is to clarify the meaning of present subsections 7 and 8 which are not properly connected and to limit the township levy to grants towards salaries of three teachers for any one continuation school.

(2) The second subsection is to enable county councils to have a representative on the "continuation" school board, having regard to the fact that the county pays part of the cost of education of continuation school pupils.

County
representa-
tive for
school board.

- (9). Where a continuation school district lies wholly within a county, the council of the county shall have the right to appoint one member to the board of trustees which has the control and management of the continuation school, and where the continuation school district comprises parts of more than one county the council of each county shall have the right to appoint one member to the said board. Any or all of such additional members may reside in the county or counties to represent which he or they are appointed outside the continuation school district and such trustees shall hold office for two years and until their successors have been duly appointed and shall have all the duties, rights, powers and privileges of other members of the board in all matters relating to continuation schools.

County
representa-
tive not to
vote on
public school
matters.

- (10) A member of a board of a continuation school who is appointed by the county council shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public school or schools which are under the control and management of such board.

Rev. Stat.,
c. 325,
amended.

- 16.** *The Continuation Schools Act* is amended by adding thereto the following section:

Application
of *The Public
Schools Act*.

14. Such of the provisions of *The Public Schools Act* in the case of a continuation school under the jurisdiction of a public school board as are applicable and are not inconsistent with this Act, shall be read as part of this Act.

Rev. Stat.,
c. 326, s. 46,
repealed.

- 17.** Section 46 of *The High Schools Act* is repealed and the following substituted therefor:

Which
school pupils
may attend.

46. A county pupil shall have the right to attend any high school aided by the council of the county in which he or his parent or guardian resides. A resident pupil shall have the right to attend the high school of the district in which he or his parent or guardian resides or is assessed for an amount equal to the average assessment of the ratepayers therein. A non-resident pupil may attend any high school at the discretion of the board.

Rev. Stat.,
c. 326, s. 53,
subs. 1
(1931,
c. 71, s. 12),
amended.

- 18.** Subsection 1 of section 53 of *The High Schools Act* as re-enacted by section 12 of *The School Law Amendment Act, 1931*, is amended by inserting after the word "board" in the third line the words "and shall be executed before the teacher

Section 16. Doubt has arisen as to the extent to which the general provisions of *The Public Schools Act* apply to a continuation school and it is desirable that the school boards be certain of their application, except where inconsistent.

Section 17. The only object in rewriting section 46 is to make the references to resident pupils correspond with the definition of that class of pupil as set forth in section 1 of the Act.

Section 18. The purpose of the amendment is to ensure that the engagement of a teacher is properly conducted before the duties are commenced.

enters upon his duties," so that the subsection shall now read as follows:

Teachers'
agreements.

- (1) Every agreement between a board and a teacher shall be in writing, signed by the parties thereto and sealed with the seal of the board and shall be executed before the teacher enters upon his duties, and unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the total number of days during which he has taught, bears to the whole number of teaching days in the year.

Rev. Stat.,
c. 331,
amended.

19. *The Teachers' and Inspectors' Superannuation Act* is amended by adding thereto the following section:

Annuities in
lieu of
annual
allowance.

- 5a.—(1) Subject to the regulations a teacher or inspector who contributes to the Fund under section may by writing signed by him and filed with the Commission designate that his contributions shall be applied in one of the following purposes, namely,—

- (a) the purchase out of the Fund of an annuity payable to himself during his life; or
- (b) the purchase out of the Fund of an annuity payable to himself during his life and after his death to his wife or any dependent designated by him; or
- (c) the purchase out of the Fund of an annuity payable to himself and his wife or any other dependent designated by him, jointly, or to himself and his wife and any other dependent designated by him, jointly and the survivors, jointly, or survivor of them.

Variation
in designa-
tion of form
of annuity.

- (2) A teacher or an inspector may from time to time and at any time before his retirement in writing signed by him and filed with the Commission alter any designation made by him under subsection 1.

Rev. Stat.,
c. 332, s. 1,
cl. d,
repealed.

20.—(1) Clause *d* of section 1 of *The School Attendance Act* is repealed and the following substituted therefor:

"School."

- (d) "School" shall mean any school established under any statute, the administration and enforcement of which is vested in the Minister of Education.

Rev. Stat.,
c. 332, s. 1,
amended.

- (2) The said section 1 is amended by adding thereto the following clause:

Section 19. The amendment is to enable teachers and inspectors to purchase an annuity instead of taking the annual superannuation allowance to which they are now limited, and thereby enable them to make some provision for their families.

Section 20. The first amendment is for clarification and so that pupils who pass their entrance before reaching the age of fourteen may go to the proper school. See section 21.

The second amendment is to give the ordinary interpretation of the word "guardian" an extended meaning, so that school attendance of children living with others than legal guardians may be enforced. At present the law is not sufficiently clear upon that point.

"Guardian."

- (e) "Guardian" in addition to having the meaning ascribed in law, shall mean and include any person who has received into his home another person's child under the age of fourteen years and who is resident with him or in his care or legal custody.

Rev. Stat.,
c. 332, s. 2,
repealed.

21. Section 2 of *The School Attendance Act* is repealed and the following substituted therefor:

Children
to attend
school.

3. Except as provided in this Act, every child between eight and fourteen years of age shall in each year for the full term during which the school is open attend school in the school section or municipality in which he resides or other school which he is required or entitled by law to attend.

Rev. Stat.,
c. 332, s. 3,
repealed.

22. Section 3 of *The School Attendance Act* is repealed and the following substituted therefor:

Duty of
parent or
guardian.

3. Except as provided by this Act, it shall be the duty of the parent or guardian of every child between eight and fourteen years of age to have such child attend school as required by this Act.

Rev. Stat.,
c. 332, s. 4,
subs. 1, cl. e,
repealed.

23. Clause *e* of subsection 1 of section 4 of *The School Attendance Act* is repealed and the following substituted therefor:

- (e) the child has been excused by the school attendance officer as hereinafter provided.

Rev. Stat.,
c. 333, s. 1,
amended.

24. Section 1 of *The Adolescent School Attendance Act* is amended by adding thereto the following clause:

"Guardian."

- (e) "Guardian" in addition to having the meaning ascribed in law, shall mean and include any person who has received into his home an adolescent child of another person and which adolescent is resident with him or in his care or legal custody.

Rev. Stat.,
c. 333, s. 17,
repealed.

25. Section 17 of *The Adolescent School Attendance Act* is repealed and the following substituted therefor:

Duty of
attendance
officer.

17. It shall be the duty of a school attendance officer appointed under the provisions of *The School Attendance Act* to enforce in his municipality the provisions of this Act and for such purpose he shall and may exercise the powers conferred on him under *The School Attendance Act*.

Rev. Stat.,
c. 332.

Section 21. The rewriting of this section makes it much more certain that all children within the age limit and not excused will attend the proper school, including, for instance, a high school if the entrance examination is passed by a pupil under fourteen.

Section 22. With the inclusion of the definition of "guardian" section 3 is rewritten for the purpose of conformity.

Section 23. The power to excuse school attendance being now vested in the attendance officer only, it is confusing to retain the present reference to Justices of the peace and school principals. Therefore clause *e* is rewritten.

Section 24. It is desirable to define "guardian" in the case of "adolescents" as in the case of younger children.

Section 25. The present section does not indicate with sufficient clarity that the school attendance officer is required to enforce school attendance of adolescents, and therefore section 17 is rewritten.

Rev. Stat.,
c. 342, s. 5,
subs. 1, cl. a,
amended.

26.—(1) Clause *a* of subsection 1 of section 5 of *The College of Art Act* is amended by striking out the word “twelve” in the second line and inserting in lieu thereof the word “thirteen,” so that the said clause shall now read as follows:

Appointees
of
Lieutenant-
Governor
in Council.

(a) The Lieutenant-Governor in Council shall appoint thirteen members; and

Rev. Stat.,
c. 342, s. 5,
subs. 1, cl. b,
amended.

(2) Clause *b* of the said subsection 1 is amended by inserting after the word “Association” in the seventh line the words “The Association of Canadian Advertising Agencies,” so that the said clause shall now read as follows:

Appointees
of certain
bodies.

(b) The Art Museum, the Ontario Society of Artists, the Graphic Arts Society, the Applied Art Society, the Ontario Association of Architects, the Toronto Camera Club, the Women’s Art Association, the Canadian National Exhibition, the Trades and Labour Council of the city of Toronto, the Canadian Manufacturers’ Association, the Association of Canadian Advertising Agencies and the Senate of the University of Toronto shall each appoint one member.

Commence-
ment of Act.

27. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 26. Provision is desired to enable the Association of Canadian Advertising Agencies to appoint a member of the Council of the College of Art.

BILL

An Act to amend the School Laws.

1st Reading

March 16th, 1932

2nd Reading

3rd Reading

MR. HENRY (York East)

No. 123

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend the School Laws.

MR. HENRY (York East)

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 123

1932

BILL

An Act to amend the School Laws.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The School Law Amendment Act, 1932*.

Rev. Stat.,
c. 323, s. 1, cl.
1, amended. **2.** Clause 1 of section 1 of *The Public Schools Act* is repealed and the following substituted therefor:

To enlarge
definition
of school
section.

(1) "School section" shall mean a locality formed of the whole of or any area in or any part of a township or of the whole or part of one or more townships or of the whole or any part of an urban municipality and the whole of or any area in or any part of an adjacent township for which a public school board has heretofore been or hereafter is established under the authority of this Act.

Rev. Stat.,
c. 323, s. 15,
subs. 1,
amended.

3. Subsection 1 of section 15 of *The Public Schools Act* is amended by inserting after the word "apart" in the fourth line the words "the whole or" and by striking out the words "lying contiguous to a city or town" in the fourth and fifth lines, so that the subsection shall now read as follows:

By-law
setting apart
township
school area.

(1) The council of a township may by by-law passed with the consent of a majority of the whole number of members of the council before the 1st day of July in any year, set apart the whole or any portion of the township as a township school area and may declare that thereafter the school sections included in the township school area shall cease to exist as separate school sections and that the school boards having jurisdiction therein shall be dissolved.

Rev. Stat.,
c. 323, s. 16,
amended.

4. Section 16 of *The Public Schools Act* is amended by striking out the words "a contiguous city or town" in the

fourth line and inserting in lieu thereof the words "an adjacent urban municipality," so that the section shall now read as follows:

16. Subject to the approval of the Minister, the board of public school trustees of a township school area may enter into an agreement with the board of education or board of public school trustees of an adjacent urban municipality for the purposes and in the manner provided by section 87. Agreement with urban board.

5. Subsection 1 of section 17 of *The Public Schools Act* is amended by striking out the words "with the board of a contiguous city or town" in the third line and also by striking out the words "the portion of the township included" in the fourth and fifth lines and inserting in lieu of the latter the words "the taxable property of the public school supporters," so that the subsection shall now read as follows: Rev. Stat., c. 323, s. 17, subs. 1, amended.

- (1) Where the board of public school trustees of a township school area has entered into an agreement under section 16, the council of the township may exempt the taxable property of the public school supporters in such township school area from the general rate required to be levied under section 109, but such exemption shall not be granted until the Minister has given his approval thereto in writing. Exemption from township rate.

6. Section 39 of *The Public Schools Act* is amended by adding thereto the following subsection: Rev. Stat., c. 323, s. 39, amended.

- (3) Arbitrators appointed under any of the provisions of this Act shall make their award within one month from the time when the last arbitrator was appointed, provided, however, that the county or district judge may extend the time for making an award upon application to him by the arbitrators either before or after the time for making the award has expired. Time for making awards.

7.—(1) Subsection 2 of section 60 of *The Public Schools Act* as enacted by section 4 of *The School Law Amendment Act, 1931*, is repealed and the following substituted therefor: Rev. Stat., c. 323, s. 60, subs. 2 (1931, c. 71, s. 4), repealed.

- (2) In urban municipalities situate in unorganized territory where a like condition exists the rates to be so levied on public school supporters shall be equal to those levied in the nearest municipality. Rates in urban municipalities.
- (3) In rural school sections in townships situate in unorganized territory where a like condition exists Rates in rural school sections.

the rates to be so levied on public school supporters shall be equal to the average rate levied on public school supporters in the other rural school sections in the same township in which there is a public school, or if there be none then equal to the rate levied on public school supporters in the nearest rural school section outside the township in which there is a public school.

Rev. Stat.,
c. 233, s. 324,
amended.

(2) Section 324 of *The Municipal Act* is amended by striking out the words "poor school sections" in the last line and inserting in lieu thereof the word "schools."

Rev. Stat.,
c. 323, s. 62,
subs. 3,
repealed.

8. Subsection 3 of section 62 of *The Public Schools Act* is repealed and the following substituted therefor:

Qualifica-
tion of
trustees.

(3) The persons qualified to be elected trustees shall be any person who is a British subject, of the full age of twenty-one years, not disqualified under this Act and who is,—

(a) a resident ratepayer; or

(b) the husband, wife, son or daughter of a person assessed as the owner of a farm if resident on the farm with the assessed owner;

and no person not so qualified shall be elected or competent to act as trustee.

Rev. Stat.,
c. 323, s. 72,
subs. 1,
amended.

9.—(1) Subsection 1 of section 72 of *The Public Schools Act* is amended by striking out the paragraph immediately preceding clause *a* of the said subsection and inserting in lieu thereof the following paragraph:

Election of
public school
trustees by
general vote

"and if the majority of the votes on the said question are in the affirmative, at the first annual election held thereafter nine trustees shall be elected and the three of them who receive the highest number of votes shall hold office for three years, the three of them who receive the next highest number of votes shall hold office for two years, and the remaining three of them shall hold office for one year, each of them, however, holding office until his successor is elected and takes office."

Rev. Stat.
c. 323.
s. 72.
amended.

(2) The said section 72 is further amended by adding thereto the following subsections:

(2a) Every election of trustees by general vote provided ^{Election by ballot.} for in subsections 1 and 2 shall be by ballot and the provisions of subsections 4 and 5 of section 76 shall apply thereto.

(2b) If at the first election of trustees by general vote at ^{Tenure of office.} the nomination meeting no more candidates are nominated for office than the nine who are to be elected and those nominated are declared to be duly elected, the three of them who have the highest rateable assessments shall hold office for three years, the three of them who have the next highest rateable assessments shall hold office for two years and the remaining three of them shall hold office for one year, each of them, however, holding office until his successor is elected and takes office, and the amount of the rateable assessment of each of them shall be ascertained from the last revised assessment roll of the municipality.

(2c) If at the first election of trustees by general vote ^{Procedure on tie vote.} under this section the third and fourth or the sixth and seventh of them in order of highest number of votes receive an equal number of votes that one of the third and fourth, or the sixth and seventh, respectively, who has the highest rateable assessment according to the last revised assessment roll of the municipality shall hold office for three years or two years, as the case may be, and until his successor is elected and takes office.

10. Subsection 1 of section 82 of *The Public Schools Act* is ^{Rev. Stat., c. 323, s. 82, subs. 1, amended.} amended by adding at the commencement thereof the following words "unless a date for the first meeting has been decided upon by the board of the preceding year," so that the subsection shall now read as follows:

(1) Unless a date for the first meeting has been decided ^{First meeting of board.} upon by the board of the preceding year, every urban board shall hold its first meeting in each year on the third Wednesday in January at the hour of seven o'clock in the evening or at such other hour on the same day and at such place as may have been fixed by resolution of the former board, or, if no place has been so fixed, at the usual place of meeting of the council of the municipality.

11. Subsection 1 of section 83 of *The Public Schools Act* is ^{Rev. Stat., c. 323, s. 83, subs. 1, amended.} amended by striking out the figure "4" in the first line and inserting in lieu thereof the figure "5."

Rev. Stat.,
c. 323, s. 88,
cl. u,
repealed. **12.** Clause *u* of section 88 of *The Public Schools Act* is repealed.

Rev. Stat.,
c. 323, s. 92a,
(1929,
c. 84, s. 3),
repealed. **13.** Section 92a of *The Public Schools Act* as enacted by section 3 of *The School Law Amendment Act, 1929*, is repealed and the following substituted therefor:

Trans-
portation
of resident
pupils at-
tending out-
side schools.

92a.—(1) The board of a section or municipality may provide for the transportation of pupils residing in the section or municipality, as the case may be, to and from a continuation, high or vocational school situate elsewhere which such pupils have the right by law to attend, and for the purpose may co-operate with any other board.

Cost of
transporta-
tion.

(2) The cost of providing transportation under section 92 or this section shall be an expense to be included in the estimates for the current year.

Rev. Stat.,
c. 323, s. 103,
subs. 1,
amended.

14. Subsection 1 of section 103 of *The Public Schools Act* is amended by adding at the end thereof the following words "and shall be executed before the teacher enters upon his duties," so that the said subsection shall now read as follows:

Execution of
agreement
with teacher

(1) Every agreement between a board and a teacher shall be in writing, signed by the parties thereto and sealed with the seal of the board, and shall be executed before the teacher enters upon his duties.

Rev. Stat.,
c. 325, s. 2,
subss. 7 and 8
repealed.

15.—(1) Subsections 7 and 8 of section 2 of *The Continuation Schools Act* are repealed and the following substituted therefor:

Township
levy and
teachers'
salaries.

(7) For the purposes of subsections 1 and 2 of section 109 of *The Public Schools Act* a continuation school established by one or more public school boards shall be deemed a public school, but in no case shall the township council or councils be required to levy a rate thereunder for grants towards the salaries of more than one principal and two assistant teachers in any continuation school.

Rev. Stat.
c. 323.

Levy
for school
established
by separate
school board.

(8) Where a continuation school is established by one or more separate school boards, the amount to be levied shall be levied upon the supporters of separate schools established by such board or boards.

Rev. Stat.,
c. 325, s. 2,
amended.

(2) Section 2 of *The Continuation Schools Act* is further amended by adding thereto the following subsections:

- (9) Where a continuation school district lies wholly within a county, the council of the county shall have the right to appoint one member to the board of trustees which has the control and management of the continuation school, and where the continuation school district comprises parts of more than one county the council of each county shall have the right to appoint one member to the said board. Any or all of such additional members may reside in the county or counties to represent which he or they are appointed outside the continuation school district and such trustees shall hold office for two years and until their successors have been duly appointed and shall have all the duties, rights, powers and privileges of other members of the board in all matters relating to continuation schools.

County
representa-
tive for
school board

- (10) A member of a board of a continuation school who is appointed by the county council shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public school or schools which are under the control and management of such board.

County
representa-
tive not to
vote on
public school
matters.

16. *The Continuation Schools Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 325,
amended.

14. Such of the provisions of *The Public Schools Act* in the case of a continuation school under the jurisdiction of a public school board as are applicable and are not inconsistent with this Act, shall be read as part of this Act.

Application
of *The Public
Schools Act*.

17. Section 46 of *The High Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 326, s. 46,
repealed.

46. A county pupil shall have the right to attend any high school aided by the council of the county in which he or his parent or guardian resides. A resident pupil shall have the right to attend the high school of the district in which he or his parent or guardian resides or is assessed for an amount equal to the average assessment of the ratepayers therein. A non-resident pupil may attend any high school at the discretion of the board.

Which
school pupils
may attend.

18. Subsection 1 of section 53 of *The High Schools Act* as re-enacted by section 12 of *The School Law Amendment Act, 1931*, is amended by inserting after the word "board" in the third line the words "and shall be executed before the teacher

Rev. Stat.,
c. 326, s. 53,
subs. 1
(1931,
c. 71, s. 12),
amended.

enters upon his duties," so that the subsection shall now read as follows:

Teachers' agreements.

- (1) Every agreement between a board and a teacher shall be in writing, signed by the parties thereto and sealed with the seal of the board and shall be executed before the teacher enters upon his duties, and unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the total number of days during which he has taught, bears to the whole number of teaching days in the year.

Rev. Stat.,
c. 331,
s. 1, cl. g,
amended.

19.—(1) The clause lettered *g* in section 1 of *The Teachers' and Inspectors' Superannuation Act* is amended by adding at end thereof the words "and an inspector of the Penny Savings Bank," so that the clause shall now read as follows:

"Inspector"

- (g) "Inspector" shall mean a person qualified according to the regulations of the Department for the duties of his office and shall include a supervisor and a superintendent of education and an inspector of the Penny Savings Bank.

Rev. Stat.,
c. 331,
amended.

(2) *The Teachers' and Inspectors' Superannuation Act* is amended by adding thereto the following section:

Transfer of
fund to the
Province.

- 2a.**—(1) Notwithstanding anything in this Act, or any other Act contained as of the 1st day of November, 1932, the investments held for the Teachers' and Inspectors' Superannuation Fund in debentures or stock of the Province of Ontario shall be ascertained and together with such uninvested funds as are not required for current expenses shall be transferred to the Province of Ontario and the Lieutenant-Governor in Council may issue in exchange therefor debentures or Ontario Government stock having a par value equal to the par value of the debentures or stock transferred plus the uninvested funds transferred. The debentures or Ontario Government stock to be issued shall bear interest at the rate of four and three-quarters per centum per annum, payable half-yearly and shall be due and payable on the 1st day of November, 1942, and be a charge on the Consolidated Revenue Fund of Ontario.

Issue of
Ontario
debentures
for ten years.

Issue of
additional
debentures
until 1942.

- (2) In each of the next ten years the Province of Ontario shall issue debentures or stock for the surplus funds accumulated and which are not required for current expenses, such debentures or stock to mature on the 1st day of November, 1942, and bear interest

at the rate of four and three-quarters per centum per annum payable half-yearly.

- (3) On the 1st day of November, 1942, the Treasurer of Ontario shall issue debentures or stock for all surplus funds in his hands as custodian of the Fund, and which are not required for current expenses (including the principal of debentures and stock maturing on that date) bearing interest at the rate of four and three-quarters per centum per annum, payable half-yearly and maturing on the 1st day of November, 1982. Issue of debentures maturing 1982.
- (4) On or before the 1st day of November, 1942, a rate of interest shall be agreed upon between the Commission and the Province, which shall be payable by the Province on the surplus funds accumulating in the ten years ending on the 1st day of November, 1952, and similarly at the beginning of each period of ten years thereafter a rate of interest shall be agreed upon which shall be paid by the Province on surplus funds accumulating during such period of ten years, or becoming due at the end of such ten year period. Interest rates for each decade.
- (5) In each period of ten years the Treasurer of Ontario shall issue debentures or stock for the amount of surplus funds accumulated from time to time and which are not required for current expenses, such debentures or stock to become due and payable on the last day of the ten year period, and to bear interest at the rate agreed upon at the beginning of the period as being applicable for that period. Subsequent debentures every decade.
- (6) At the end of each period of ten years the Treasurer of Ontario shall issue debentures or stock for the amount of surplus funds in his hands as custodian of the Fund, and which are not required for current expenditures and for the amount of the debentures or stock which shall have become due at the end of such period of ten years, bearing interest at the rate agreed upon as outlined in subsection 4 and becoming due and payable forty years after the date of issue. Subsequent issues of 40-year debentures at end of decades.

(3) *The Teachers' and Inspectors' Superannuation Act* is amended by adding thereto the following section: Rev. Stat., c. 331, amended.

- 5a.—(1) Subject to the regulations a teacher or inspector may in writing signed by him and deposited with the Commission, at least three years prior to the Power to designate how allowance may be applied.

date of his retirement from the profession, designate one of the following purposes to which any allowance payable to him upon retirement shall be applied, namely,—

- (a) In the purchase, out of the Fund, of an annuity payable to himself during his life-time and after his death to his widow or any dependent designated by him; or
- (b) In the purchase, out of the Fund, of a joint annuity for himself and his wife or any other dependents and the survivors or survivor of them.

Power to
alter
designation.

- (2) A teacher or inspector may from time to time in writing signed by him and deposited with the Commission, at least three years prior to the date of his retirement from the profession, alter any designation made by him under subsection 1.

Rev. Stat.,
c. 331,
amended.

- (4) *The Teachers' and Inspectors' Superannuation Act* is amended by adding thereto the following section:

Rejection
of claims
through
delay.

- 7a. Where a doubt exists as to the right of a teacher or inspector to any benefit under this Act and the Commission has endeavoured to procure the necessary evidence and other particulars and finds that owing to the delay in making the application it has become impossible to ascertain the facts, the Minister may reject the application.

Rev. Stat.,
c. 332, s. 1,
cl. d,
repealed.

- 20.**—(1) Clause *d* of section 1 of *The School Attendance Act* is repealed and the following substituted therefor:

"School."

- (d) "School" shall mean any school established under any statute, the administration and enforcement of which is vested in the Minister of Education.

Rev. Stat.,
c. 332, s. 1,
amended.

- (2) The said section 1 is amended by adding thereto the following clause:

"Guardian."

- (e) "Guardian" in addition to having the meaning ascribed in law, shall mean and include any person who has received into his home another person's child under the age of fourteen years who is resident with him or in his care or legal custody.

Rev. Stat.,
c. 332, s. 2,
repealed.

- 21.** Section 2 of *The School Attendance Act* as amended by section 23 of *The School Law Amendment Act, 1930*, is repealed and the following substituted therefor:

2. Except as provided in this Act, every child between eight and fourteen years of age shall in each year for the full term during which the school is open attend school in the school section or municipality in which he resides or other school which he is required or entitled by law to attend.

Children
to attend
school.

22. Section 3 of *The School Attendance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 332, s. 3,
repealed.

3. Except as provided by this Act, it shall be the duty of the parent or guardian of every child between eight and fourteen years of age to have such child attend school as required by this Act.

Duty of
parent or
guardian.

23. Clause *e* of subsection 1 of section 4 of *The School Attendance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 332, s. 4,
subs. 1, cl. *e*,
repealed.

- (*e*) the child has been excused by the school attendance officer as hereinafter provided.

When
attendance
excused.

24. Section 1 of *The Adolescent School Attendance Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 333, s. 1,
amended.

- (*e*) "Guardian" in addition to having the meaning ascribed in law, shall mean and include any person who has received into his home an adolescent child of another person and which adolescent is resident with him or in his care or legal custody.

"Guardian."

25. Section 17 of *The Adolescent School Attendance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 333, s. 17,
repealed.

17. It shall be the duty of a school attendance officer appointed under the provisions of *The School Attendance Act* to enforce in his municipality the provisions of this Act and for such purpose he shall have and may exercise the powers conferred on him under *The School Attendance Act*.

Duty of
attendance
officer.

Rev. Stat.,
c. 332.

26.—(1) Clause *a* of subsection 1 of section 5 of *The College of Art Act* is amended by striking out the word "twelve" in the second line and inserting in lieu thereof the word "thirteen," so that the said clause shall now read as follows:

Rev. Stat.,
c. 342, s. 5,
subs. 1, cl. *a*,
amended.

- (*a*) The Lieutenant-Governor in Council shall appoint thirteen members; and

Appointees
of
Lieutenant-
Governor
in Council.

Rev. Stat.,
c. 342, s. 5,
subs. 1, cl. b,
amended.

(2) Clause *b* of subsection 1 of the said section 5 is amended by inserting after the word "Association" in the seventh line the words "the Association of Canadian Advertising Agencies," so that the said clause shall now read as follows:

Appointees
of certain
bodies.

- (*b*) The Art Museum, the Ontario Society of Artists, the Graphic Arts Society, the Applied Art Society, the Ontario Association of Architects, the Toronto Camera Club, the Women's Art Association, the Canadian National Exhibition, the Trades and Labour Council of the City of Toronto, the Canadian Manufacturers' Association, the Association of Canadian Advertising Agencies and the Senate of the University of Toronto shall each appoint one member.

Commence-
ment of Act.

27. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend the School Laws.

1st Reading

March 16th, 1932

2nd Reading

March 21st, 1932

3rd Reading

March 25th, 1932

MR. HENRY (York East)

No. 124

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act for the Protection of Persons employed in Factories, Shops
and Office Buildings.

MR. MONTEITH

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELENT MAJESTY

BILL

An Act for the Protection of Persons Employed in Factories, Shops and Office Buildings.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as *The Factory, Shop and Office Building Act, 1932.*

Interpretation.

Interpre- **2.** In this Act,—
tation.

“Bakeshop.” (a) “Bakeshop” shall mean any building, premises, workshop, structure, room or place wherein is carried on the manufacture or sale of confectionery, or of bread, biscuits, cakes or any other food product made from flour, or from meal or from both, in whole or in part, and shall include any room or rooms used for storing the confectionery, bread, biscuits, cakes and other food products and materials;

“Child.” (b) “Child” shall mean a person under the age of fourteen years;

“Court.” (c) “Court” shall mean the justices of the peace or police magistrate, as the case may be, to whom jurisdiction is given by this Act to hear and determine prosecutions under this Part. R.S.O. 1927, c. 275, s. 1, cls. a-c;

“Employer.” (d) “Employer” as applied to a factory, shop, bakeshop or restaurant shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent has charge of any factory, shop, bakeshop, or restaurant, and employs persons therein, and in the case of an office building shall include the superintendent, manager or caretaker thereof;

EXPLANATORY NOTES

Section 2.—(a), (b), (c) No change.

- (d) "bake-shop and restaurant" included under definition of "employer" in order to bring them specifically under certain sections of this Act.

"Factory."

(e) "Factory" shall mean,—

- (i) any building, premises, workshop, structure, room or place in which any manufacturing process or assembling in connection with the manufacturing of any goods or products, is carried on;
- (ii) any building, workshop, structure, premises, room or place wherein or within the precincts of which steam, water, electrical power or energy or other power is used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incidental to the preparing, manufacturing or finishing of any article, substance, material, fabric or compound, or is used to aid the manufacturing process carried on there;
- (iii) any building, workshop, structure, premises, room or place wherein the employer of the persons working there has the right of access and control, and in which or within the precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any article or part of any article, the altering, repairing, ornamenting or finishing of any article, or the adapting for sale of any article;
R.S.O. 1927, c. 275, s. 1, cls. d, e; *amended*.

"Inspector."

(f) "Inspector" shall mean an inspector appointed by the Lieutenant-Governor in Council for enforcing the provisions of this Part and shall include the Chief Inspector;

"Mill gearing."

(g) "Mill-gearing" shall include every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley or other appliance by which the motion of the first motive power is communicated to any machine appertaining to a manufacturing process;

"Minister."

(h) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Part;

"Office."

(i) "Office" shall include a building or that part of a building occupied and under the control of a separate employer and used for office purposes;

(e), (i) Under the old Act schedule A was included which contained a list of the various kinds of factories. This schedule is being omitted from this Act because of the difficulty of keeping it complete and up-to-date. The change in the definition of factory in sub-clause (i) of clause (e) is necessary because of the omission of this schedule.

(ii), (iii) slight textual change only, omitting word "other" after "any" in first line.

(f) No change.

(g) "moving power" changed to "motive power."

(h), (i), (j) No change.

- "Office building." (j) "Office building" shall mean a building used or occupied for office purposes and not as a shop or factory, and shall include a part of a building when so used or occupied; R.S.O. 1927, c. 275, s. 1, cls. *f-j*;
- "Owner." (k) "Owner" shall mean the person for the time being entitled in his own right or as a trustee, mortgagee in possession, guardian, committee, agent or otherwise to receive the rents, issues and profits of any premises used as a factory, shop, bakeshop, restaurant or office building so far as such rents, issues and profits are not payable solely in respect of the use or occupancy of land apart from any buildings or other improvements erected or situate thereon; R.S.O. 1927, c. 275, s. 1, cl. *k*; *amended*.
- "Parent." (l) "Parent" shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child, youth or young girl;
- "Regulations." (m) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Part; R.S.O. 1927, c. 275, s. 1, cls. *l, m*.
- "Restaurant." (n) "Restaurant" shall mean a dining room, cafeteria, cafe, buffet or any place where meals or refreshments are served to order; *new*.
- "Shop." (o) "Shop" shall mean any building or a portion of a building, booth, stall or place where goods are handled or exposed or offered for sale, and any such building or portion of a building, booth, stall or place where services are offered for sale or where goods are manufactured and which is not a factory to which this Act applies; R.S.O. 1927, c. 295, s. 1, cl. *n*; *amended*.
- "Woman." (p) "Woman" shall mean a woman of eighteen years of age and upwards;
- "Young girl." (q) "Young girl" shall mean a girl of the age of fourteen and under the age of eighteen years;
- "Youth." (r) "Youth" shall mean a male of the age of fourteen and under the age of sixteen years. R.S.O. 1927, c. 275, s. 1, cls. *p-r*.

- (k) "restaurant" added along with factory, shop, bake-shop or office buildings in defining "owner."

(l), (m) No change.

- (n) A definition of "restaurant" is added in order to separate it from a definition of a shop.

- (o) "where services are offered for sale" is added here in the definition of "shop" in order to include such places as bowling alleys, shoe-shine parlours, etc., within the scope of this Act.

(p), (q), (r) No change.

The definition of "week" contained in the old Act is omitted as it conflicts with the bake-shop section.

Application of Act.

Act not to
affect,
Rev. Stat.,
c. 262.

3.—(1) Nothing in this Part shall in any way conflict or interfere with the powers and duties of local boards of health or the officers appointed under *The Public Health Act*.

Adminis-
tration.

(2) For the purposes of this Part in respect to sanitary measures the Chief Officer of Health or any health officer may act jointly with, or independently of the inspector under this Part. R.S.O. 1927, c. 275, s. 2.

"Office
building,"
definition of.

4. A building, or a part of a building, used and occupied by a municipal or school corporation or by any municipal commission for office purposes shall be deemed an office building within the meaning of this Act, and the municipal or school corporation or commission owning or occupying any such building or part of a building shall be deemed the owner thereof within the meaning of this Act notwithstanding that no rents, issues or profits are derived therefrom. R.S.O. 1927, c. 275, s. 4.

Act not
to apply to
persons
working only
at repairs.

5. Nothing in this Part shall extend to a mechanic, artisan or labourer working only in repairing either the machinery in or any part of a factory, shop, bakeshop, restaurant or office building. R.S.O. 1927, c. 275, s. 5; *amended*.

When
separate
factory.

6.—(1) A part of a building used as a factory, shop, bakeshop, restaurant or office building may, with the written approval of an inspector for the purposes of this Part be taken to be a separate factory, shop, bakeshop, restaurant or office building. R.S.O. 1927, c. 275, s. 6 (1); *amended*.

Dwelling
or sleeping
room not
part of
factory.

(2) A place used as a dwelling or sleeping room only shall not be deemed to form part of a factory, shop, bakeshop or office building for the purposes of this Part.

When
separate and
when part.

(3) Where a place situate within the close or precincts forming a factory is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory such place shall not be deemed to form part of that factory, for the purposes of this Part, but shall, if otherwise it would be a factory, be deemed to be a separate factory and be regulated accordingly.

When
premises in
open air not
excluded.

(4) Any premises or place shall not be excluded from the definition of a factory by reason only that such premises or place are or is in the open air. R.S.O. 1927, c. 275, s. 6 (2-4).

Certain
laundries to
be deemed
factories.

7.—(1) Every shop, building or room in which one or more persons are employed in doing public laundry work by way of

Section 3 of the old Act is being omitted as the provision contained therein is taken care of by section 27 of this Act.

Sections 3 and 4. No change.

Sections 5 and 6. "restaurant" added.

Section 7. No change.

trade or for the purpose of gain shall be deemed a factory to which this Part applies.

Home laundry work excepted.

(2) This section shall not apply to a dwelling in which a female is engaged in doing custom laundry work at her home for a regular family trade. R.S.O. 1927, c. 275, s. 7.

Where not more than five employed and no power.

8.—(1) Except where machinery operated or driven by steam, electric or other motive power is used, this Part shall not apply to any factory where not more than five persons are employed and no power other than manual labour is used for any manufacturing process carried on there. R.S.O. 1927, c. 275, s. 8 (1); *amended*.

Where more than five some-times employed.

(2) A factory in which in any calendar year more than five persons are employed at any one time shall during that year be deemed a factory unless the inspector is satisfied that less than six persons are usually employed therein.

Members of family at home in shop.

(3) This Part shall not apply to any shop where only members of the employer's own family dwelling in a house to which the shop is attached are employed at home unless machinery is used which is operated by steam, electrical or other power, except hand power. R.S.O. 1927, c. 275, s. 8 (2, 3).

Who to be deemed employed.

9.—(1) Where any owner, occupier or tenant of any premises, building, workshop, structure, room or place who has the right of access thereto and control thereof contracts for work or labour to be done therein by any other person, or lets or hires out any part thereof for that purpose, and such other person engages or employs therein any workman, child, youth, young girl or woman in or for the carrying out or performing of such work or labour, or any part thereof, every such workman, child, youth, young girl or woman shall, for all the purposes of this Part, be deemed to be in the service and employment of such owner, occupier or tenant.

Mode of computing numbers employed.

(2) In computing the number of persons employed in any place in order to ascertain if such place is a factory to which this Part applies every such workman, child, youth, young girl or woman shall be counted. R.S.O. 1927, c. 275, s. 9.

Evidence as to employment.

10.—(1) Every person found in a factory, except at meal times or except while all the machinery of the factory is stopped, or for any other purpose than that of bringing food to the persons employed in the factory, shall, until the contrary is proved, be deemed for the purposes of this Part to have been then employed in the factory. R.S.O. 1927, c. 275, s. 10 (1).

Section 8.—(1) This subsection has been rewritten in order to include section 8a which is being deleted.

(2), (3) No change.

Section 9. No change.

Section 10.—(1) No change.

Places not
part of
factory.

(2) Playgrounds, waiting rooms and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on shall not be taken to be part of the factory for the purposes of this section. R.S.O. 1927, c. 275, s. 10 (2); *amended*.

When a
child, youth,
young girl,
or woman to
be deemed
employed.

11.—(1) A child, youth, young girl or woman who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made, or otherwise the subject of the manufacturing process or handicraft therein shall, save as is herein otherwise provided, be deemed to be employed in such factory.

Appren-
tices.

(2) For the purpose of this section an apprentice shall be deemed to work for hire. R.S.O. 1927, c. 275, s. 11.

Register of
children.

12.—(1) In every factory and shop the employer shall keep a register of the youths, young girls and women employed in the factory and shop and of their employment, in the prescribed form, and shall send to the inspector such extracts from any register kept in pursuance of this Part as the inspector from time to time requires for the execution of his duties, and shall permit the inspector at all times to inspect such register. R.S.O. 1927, c. 275, s. 12 (1), *amended*.

Penalty.

(2) For every contravention of this section the employer shall incur a penalty of not less than \$10 nor more than \$30. R.S.O. 1927, c. 275, s. 12 (2).

Who to
be deemed
employer of
children,
etc., in
certain cases.

13. Where, in a factory or shop, the owner or hirer of a machine or implement moved by steam, water, electrical power or energy or other power in or about or in connection with which machine or implement any child, youth, young girl or woman is employed, is some person other than the employer, and such child, youth, young girl, or woman is in the employment and pay of the owner or hirer of such machine or implement he shall, so far as respects any offence against this Part which may be committed in relation to such child, youth, young girl or woman, be deemed to be the employer. R.S.O. 1927, c. 275, s. 14.

Plans to be
submitted to
inspector.

14.—(1) Before erecting any building or altering any existing building which it is intended thereafter to use as a

(2) "Yards" and "places open to public view" have been omitted from this section in order to control better child labour in such places as lumber yards and about shingle mills.

Section 11. No change.

Section 12. No change except the word "children" omitted from second line.

Section 13 (1), (2) of the old Act is omitted since section 12 (1), as amended, makes it unnecessary and all schedules are being omitted from this Act.

Section 13. No change.

Section 14. "bake-shop and restaurant" added in connection with submitting plans of buildings.

factory or, where the building or proposed building is over two storeys in height, as a shop, bakeshop, restaurant, or office building, the owner shall submit the plans of such building or of the proposed alterations to the inspector; and the inspector shall examine the same, and if he finds that the plans provide for the fulfilment of the requirements of this Act as to the construction of factories, shops, bakeshops, restaurants or office buildings, as the case may be, he shall certify his approval thereon, and the owner shall not proceed with the erection or alteration of such building without such approval. R.S.O. 1927, c. 275, s. 15 (1); *amended*.

Plans to be
in duplicate.

(2) Every such plan shall be submitted in duplicate and one duplicate may be certified as provided in the said section and the other shall be retained by the inspector and filed in the Department of Labour. R.S.O. 1927, c. 275, s. 15 (2).

Certificate
of inspection
before
operating
factory.

15.—(1) The owner, proprietor or manager of any factory shall not begin operations until he has received from the inspector a certificate of inspection of the factory and a permit to operate the same.

Penalty.

(2) Any person who contravenes the provisions of this section shall incur the penalties provided for in section 72. R.S.O. 1927, c. 275, s. 16.

Notice to
be sent to
inspector
by person
occupying
factory.

16. Every person shall, within one month after he begins to occupy a factory, transmit to the inspector a notice, containing the name of the factory, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the motive power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall incur a penalty of not less than \$10 nor more than \$30. R.S.O. 1927, c. 275, s. 17.

Penalty.

ADMINISTRATION.

Power of
Lieutenant-
Governor
in Council

17. The Lieutenant-Governor in Council may for the purpose of carrying out this Part.

Appoint-
ment of
inspectors
and Chief
Inspector.

(a) appoint as many inspectors, male or female, as may be deemed necessary, one of whom he may designate as Chief Inspector who shall have the general supervision and direction of the other inspectors and the carrying out of the provisions of this Part;

Regulations
for carry-
ing out
provisions
of Part.

(b) make such regulations for carrying out the provisions of this Part as may be deemed necessary. R.S.O. 1927, c. 275, s. 18.

Section 15. Slight textual change only, regarding reference to section, necessary because of renumbering.

Section 16. "moving power" changed to motive power"—"Form 7, Schedule B" is deleted.

Certain forms and schedules were appended to the old Act. These are being omitted from this Act, such forms now being prescribed by regulations. Therefore, references to form or schedule in the old Act are omitted from this Act and in certain places the words "in the prescribed form" are substituted in place thereof.

Section 17. No change.

Powers
of inspector.

18.—(1) Every inspector may, in the execution of this Act and for enforcing the regulations,—

Inspection at
reasonable
time.

- (a) enter, inspect and examine at all reasonable times by day or night any factory, shop, bakeshop, restaurant or office building when he has reasonable cause to believe that any person is employed therein, or any premises when he has reasonable cause to believe that such premises or any part thereof are being used as a factory, shop, bakeshop, restaurant or office building;

Require
production
of registers,
etc.

- (b) require the production of any register, certificate, notice or document required by this Part or the regulations to be kept, and inspect, examine and copy the same;

Take
constable
with him.

- (c) take with him a constable into a factory, shop, bakeshop, restaurant or office building in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty, and whenever the inspector requires any constable authorized to act in the locality to accompany him it shall be the duty of the chief constable and every member of the police force in any locality to render the inspector such assistance in carrying out his duties under the said Act as he may require, and to put down any resistance, obstruction or hindrance by force if necessary;

Make
examination
and enquiry.

- (d) make such examination and enquiry as may be necessary to ascertain whether the provisions of this Part are complied with so far as respects the factory, shop, bakeshop, restaurant or office building and the persons employed therein;

Examine
persons.

- (e) examine either alone or in the presence of any other persons, as he thinks fit, with respect to matters under this Part, every person whom he finds in a factory, shop, bakeshop, restaurant or office building or whom he has reasonable cause to believe to be, or to have been within the two preceding months, employed in a factory, shop, bakeshop, restaurant, or office building, and require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined;

Administer
oaths.

- (f) for the purpose of any investigation, inquiry or examination made by him under the authority of this Part, administer an oath to and summon any person to give evidence;

Section 18.—(1) (a), (c), (d), (e) “restaurant” added.

(b) “or the regulations” added in connection with reports or documents to be kept as required “by this Part or the regulations.”

(f) and (g) No change.

Exercise
other
powers.

(g) exercise such other powers as may be necessary for carrying out the provisions of this Part.

Duty of
owner and
employer.

(2) The owner and employer and his or their agents and servants shall furnish all necessary means in his or their power required by the inspector for any entry, inspection, examination, inquiry or the exercise of his powers in relation to such factory, shop, bakeshop, restaurant or office building. R.S.O. 1927, c. 275, s. 19 (1, 2); *amended*.

Obstructing
inspector.

(3) Every person who wilfully delays the inspector in the exercise of any power under this section, or who fails to comply with a requisition or summons of the inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or attempts to conceal, or prevents or attempts to prevent a child, youth, young girl or woman from appearing before or being examined by the inspector shall be deemed to obstruct an inspector in the execution of his duties under this Part. R.S.O. 1927, c. 275, s. 19 (3).

Penalty for
obstructing.

(4) Where the inspector is obstructed in the execution of his duties the person obstructing him shall incur a penalty of not less than \$10 nor more than \$30; and where he is so obstructed in a factory, shop, bakeshop, restaurant or office building the employer shall incur a penalty of not less than \$10 nor more than \$30, or where the offence is committed at night \$100.

Inspector's
duties in
enforcing
provisions
as to steam
plants and
hoisting
plants.

(5) It shall be the duty of the inspectors appointed under this Act to assist with the enforcement of *The Operating Engineers Act* by reporting to the Board of Examiners any violation thereof, and to furnish to the Board such information as they may have as to the conduct and capability of any person holding or applying for a certificate. R.S.O. 1927, c. 275, s. 19 (4, 5); *amended*.

Inspector's
duties as to
enforcement
of "Mini-
mum Wage
Act."
Rev. Stat.,
c. 277.

(6) It shall be the duty of every inspector appointed under this Act to report any violation of section 20 of *The Minimum Wage Act* to the Minimum Wage Board. R.S.O. 1927, c. 275, s. 19 (6).

Certificate
of appoint-
ment.

19. Every inspector shall be furnished with a certificate of his appointment under the hand and seal of the Minister and on applying for admission to any premises shall, if required, produce such certificate. R.S.O. 1927, c. 275, s. 20.

Production.

Inspector
may take
medical
practitioner,
etc., into
factory.

20. The inspector, whenever he deems it necessary, may take with him into any premises a legally qualified medical practitioner, medical officer of health or sanitary inspector. R.S.O. 1927, c. 275, s. 21.

(2) "restaurant" added.

(3) No change.

(4) "restaurant" added.

(5) "The Stationary and Hoisting Engineers Act" has been changed to the "Operating Engineers Act" because of the new Act passed this year making this change in title. "Stationary and Hoisting Engineers Board" is changed to "Board of Examiners"—also slight textual changes.

(6) No change.

Sections 19, 20, 21, 22: No change.

Warrant
for entering
dwelling
without
consent of
occupier.

21.—(1) The inspector, before entering, in pursuance of the powers conferred by this Part without the consent of the occupier, any room or place actually used as a dwelling, shall obtain such warrant as is hereinafter mentioned from a justice of the peace.

Issue of
warrant.

(2) The justice, if satisfied by information on oath that there is reasonable cause to suppose that any provision of this Part is contravened in any such room or place, shall grant a warrant under his hand authorizing the inspector named therein, at any time not exceeding one month from the date thereof, to enter the room or place named in the warrant and exercise therein the powers of inspection and examination conferred by this Act; and the provisions of this Part with respect to obstruction of the inspector shall apply. R.S.O. 1927, c. 275, s. 22.

When
inspector
may object
to give
evidence.

22. Where an inspector is called as a witness he may, by the direction and on behalf of the Attorney-General or of a member of the Executive Council, object to giving evidence as to any premises inspected by him in the course of his duty. R.S.O. 1927, c. 275, s. 23.

Notice to
be affixed in
factory.

23.—(1) There shall be affixed by the inspector at the entrance of a factory and in such other convenient parts of every factory, shop, bakeshop, restaurant and office building as the inspector directs, and it shall be the duty of the employer to see that all such notices are constantly kept so affixed in the form directed by the inspector and in such position as to be easily read by the persons employed,—

Of provisions
of Part and
regulations

(a) such notices of the provisions of this Part and of any regulations made thereunder as the inspector deems necessary to enable the persons employed to become acquainted with their rights, liabilities and duties under this Part;

Name and
address of
inspector.

(b) a notice of the name and address of the inspector;

Clock by
which period
or employ-
ment is
regulated.

(c) in the case of a factory a notice of the clock, if any, by which the period of employment and times for meals in the factory are regulated;

Other
notices.

(d) every other notice and document required by this Part to be so affixed. R.S.O. 1927, c. 275, s. 24 (1); *amended*.

Penalty.

(2) In the event of a contravention of any provision or requirement of this section the employer shall incur a penalty not exceeding \$20; and any person who pulls down, alters or

Section 23.—(1) "restaurant" added.

(2) No change.

defaces any such notice shall incur a like penalty. R.S.O. 1927, c. 275, s. 24 (2).

Notices, etc.,
and mode
of service.

24.—(1) Any notice, order, requisition, summons or document required or authorized to be served or sent for the purposes of this Part may be served or sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer by delivering the same, or a true copy thereof, to his agent or to some person in the factory, shop, bakeshop, restaurant or office building of which he is employer.

By mailing.

(2) Such notice, order, requisition, summons or document may also be served or sent by post, and if so served or sent shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that it was properly addressed and mailed; and where it is required to be served on or sent to an employer it shall be deemed to be properly addressed if addressed to the factory, shop, bakeshop, restaurant or office building in respect of which he is employer, with the addition of the proper postal address, but without naming the employer. R.S.O. 1927, c. 275, s. 25; *amended*.

EMPLOYMENT.

Children, Youths, Young Girls and Women.

Employment
of children.

25. No child shall be employed in a factory, shop, bakeshop, restaurant or office building. *New*.

Prohibiting
employment
of young
girls and
youths.

26. The Lieutenant-Governor in Council may by proclamation prohibit the employment of young girls and youths in factories the work in which he deems dangerous or unwholesome. R.S.O. 1927, c. 275, s. 27.

Employ-
ment of
adolescents.

27. No person under sixteen years of age shall be employed in any factory, shop, bakeshop, restaurant or office during school hours unless such person shall have furnished to the employer a certificate issued in accordance with the provision of *The Adolescent School Attendance Act* permitting the absence of such person from school, and such certificate shall be kept on file by the employer and produced whenever called for by the inspector. 1929, c. 72, s. 4; *amended*.

Rev. Stat.,
c. 333.

Seats to be
provided
for female
employees
in shops.

28.—(1) In any shop in which young girls or women are employed the employer shall at all times provide and keep therein a sufficient and suitable chair or seat for the use of

Section 24.—(1) and (2) "restaurant" added.

Section 25. Combines sections 25*a* and 26 of the old Act and in addition specifically prohibits the employment of children in bake-shops, restaurants or offices.

Section 26. No change.

Section 27. "bake-shop, restaurant or office" added.

Sections 28, 29. No change.

every such young girl or woman, and shall permit her to use such chair or seat when not necessarily engaged in the work or duty for which she is employed; and the employer shall not by any open or covert threat, rule or other intimidation, expressed or implied, or by any contrivance, prevent any female employee from using such chair or seat.

Supplying
seats for
female
employees in
factories
and offices.

(2) Where in the opinion of the inspector the whole or a substantial portion of the work upon which female employees are engaged in any department of a factory or office in which women or young girls are employed can be efficiently performed while such female employees are seated, the employer shall provide such chairs or seats as may be directed in writing by the Chief Inspector.

Penalty.

(3) Any person who contravenes any of the provisions of this section shall incur a penalty of not less than \$10 nor more than \$25. R.S.O. 1927, c. 275, s. 29.

Employment
of women
by Chinese.

29.—(1) No Chinese person shall employ in any capacity or have under his direction or control any female white person in any factory, restaurant or laundry.

Commence-
ment of
section.

(2) Subsection 1 shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation. 1929, c. 72, s. 5.

Hours of Employment.

Generally.

30. Except as provided in sections 31, 32 and 33, in a factory, shop or restaurant

Total
length daily.

(a) no youth, young girl or woman shall be employed for more than ten hours in one day; nor shall any such person be so employed for more than sixty hours in any one week;

And
weekly.

Hours
of labour.

(b) the hours of labour for any such person in any one day shall not be earlier than seven o'clock in the forenoon or later than half-past six o'clock in the afternoon in a factory or six o'clock in the afternoon in a shop or restaurant unless a special permit in writing is obtained from the inspector;

Employment
in two
different
places.

(c) no youth, young girl or woman who has been previously on any day employed in any factory, shop or restaurant for the number of hours permitted by this Part shall, to the knowledge of the employer, be employed on the same day in any other factory, shop or restaurant, and no such person who has been

Section 30. "restaurant" added and slight textual change in reference to sections.

(a) The word "child" is omitted from the first line because the employment of children is prohibited by section 25. The words "unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on such day of the week as may be arranged" appearing in the old Act is being omitted from this Act in order to limit to 10 hours per day the hours of labour of youths, young girls and women except in the case where a permit of exemption has been issued by the inspector.

(b) "restaurant" added.

(c) "restaurant" added and "child" omitted.

so employed in a factory, shop or restaurant for less than such number of hours shall be employed in any other factory, shop or restaurant on the same day for a longer period than will complete such number of hours;

Time
for meals.

- (d) the employer shall allow every youth, young girl or woman not less than one hour at noon of each day for meals, and such hour shall not be counted as part of the time herein limited for the employment of any such person. R.S.O. 1927, c. 275, s. 31; *amended*.

Hours of
employment
from
December
14th to 24th.

31. A youth, young girl or woman may be employed in a shop between the hours of seven o'clock in the morning and ten o'clock in the afternoon on Saturday and the day next before a statutory holiday, and during the period from the 14th day of December to the 24th day of December, both inclusive, in each year, but the hours shall not exceed ten hours in any one day nor sixty hours in any one week. R.S.O. 1927, c. 275, s. 32; *amended*.

Exemption
by inspector.

32.—(1) Subject to the regulations, where

Accidents
to motive
power.

- (a) any accident which prevents the working of a factory happens to the motive power; or

Machinery
unworkable.

- (b) from any other occurrence beyond the control of the employer the machinery, or any part of the machinery, of any factory cannot be regularly worked; or

Customs or
exigencies
of trade.

- (c) the customs or exigencies of trade require that the youths, young girls or women working in a factory, or in certain processes in a factory, shall be employed for longer than the prescribed period,

the inspector may, on proof to his satisfaction of such accident, occurrence, custom, or exigency of trade, give permission in writing for such exemption from the observance of the foregoing provisions as will, in his judgment, fairly and equitably to the employers of, and to the youths, young girls and women in such factory, make up for any loss of labour from such accident or occurrence or meet the requirements of such custom or exigency of trade.

Hours of
employment
during
period of
exemption.
Not before
6 a.m. and
after 9 p.m.

(2) If the inspector permits such exemption,—

- (a) no youth, young girl or woman shall be employed before the hour of six o'clock in the morning nor after the hour of nine o'clock in the afternoon;

- (d) "child" omitted because the employment of children is definitely prohibited under section 25.

Section 31. "A child over 14 years of age" is omitted because definition of child is given as "a person under the age of 14 years." A child over 14 years of age would therefore be a youth or young girl and the expression becomes redundant. "But the hours shall not exceed 10 hours in any one day nor 60 hours in any one week" is added in order to limit definitely the length of the working day under these special conditions.

Section 32. No change.

Not more
than $12\frac{1}{2}$
hours a day
or $72\frac{1}{2}$ a
week.

- (b) the hours of labour for youths, young girls and women shall not be more than twelve and one-half in any one day nor more than seventy-two and one-half in any one week;

Period
exemption.

- (c) such exemption shall not comprise more than thirty-six days in the whole in any twelve months; and in reckoning such period of thirty-six days every day on which the youth, young girl or woman has been employed overtime shall be taken into account;

Time for
additional
meal during
period of
exemption.

- (d) during the continuance of such exemption, in addition to the hour for the noonday meal, there shall be allowed to every youth, young girl or woman so employed in the factory on any day to an hour later than seven of the clock in the afternoon not less than forty-five minutes for another meal between five and eight of the clock in the afternoon; and

Notice of
particulars of
exemption.

- (e) in every factory with respect to which any such permission for exemption is given there shall, in compliance with the provisions of section 24, be affixed a notice specifying the extent and particulars of such exemption. R.S.O. 1927, c. 275, s. 33.

Double shift.

33.—(1) Notwithstanding anything herein contained, the Chief Inspector may grant a permit authorizing the operation of a factory by a double shift but the hours of labour shall not exceed eight hours for each shift nor be more than sixteen hours for both shifts and such double shift shall be between the hours of six o'clock in the forenoon and eleven o'clock in the afternoon.

Time for
meal.

(2) Where an employer operates a double shift, every youth, young girl and woman shall be allowed not less than one hour for a noon-day meal or evening meal as the case may be, and the time for the noon-day meal shall be between ten o'clock in the forenoon and twelve o'clock noon and for the evening meal between six o'clock and eight o'clock in the afternoon.
New.

Payment for
overtime.

34. In all cases where any youth, young girl or woman works beyond the number of hours in any one day or in any one week as provided in this Act, and whether the inspector under this Act has permitted exemption or not, such youth, young girl or woman shall be entitled to be paid wages for such overtime, and the Minimum Wage Board of Ontario shall have the right to establish a rate of wage for all such overtime worked in any one day or in any one week. 1929, c. 72, s. 6; *amended.*

Section 33. Section 33 is new. It makes provision, upon permit from the Chief Inspector, for the operation of a factory by a double shift, limiting the hours of each shift to 8, the hours of the two shifts to 16 and the time of the double shift between 6 a.m. and 11 p.m. Provision is made for at least one hour in each shift for meals for youths, young girls and women.

Section 34. "child" omitted.

Notice of hours of employment to be affixed in factory.

35. Notice of the hours between which youths, young girls or women may be employed in a factory shall be in such form as may be prescribed by the regulations, and shall be signed by the inspector and by the employer, and shall be posted up during the period covered by such notice in such conspicuous place or places in the factory as the inspector requires. R.S.O. 1927, c. 275, s. 35; *amended*.

Meals on Premises.

Taking meals where manufacturing going on.

36. In a factory or shop in which any youth, young girl or woman is employed,—

(a) if the inspector so directs in writing the employer shall not allow any such person to take meals in any room in which any manufacturing process is then being carried on;

Providing dining and eating rooms.

(b) after being directed by the inspector in writing so to do the employer shall, at his own expense, provide a suitable room or place in the factory or shop or in connection therewith for the purposes of a dining and eating room for persons employed in the factory or shop, no part of the expense of which shall be payable by or chargeable to the wages of the employees;

Food not to be taken in room where poisonous substances exposed.

(c) no person shall take or be allowed to take food into any room where paint, varnish, dye, white lead, arsenic or any other poisonous substance is exposed, or where deleterious fumes dust or gases are known to be present, and drinking water in any such room shall be taken directly from taps or suitably closed receptacles. R.S.O. 1927, c. 275, s. 36; *amended*.

Unlawful employment in contravention of ss. 29 to 33.

37. Where a youth, young girl or woman is employed in a factory, shop or restaurant in which there is a contravention of any of the provisions of sections 28 to 32, or of any regulation made under section 32, such youth, young girl or woman shall be deemed to be unlawfully employed and so that his or her health is likely to be injured. R.S.O. 1927, c. 275, s. 37; 1929, c. 72, s. 7; *amended*.

Camp.

38.—(1) In this section “camp” shall mean shelter provided for the lodging of six or more persons employed in gainful occupation for a temporary purpose and for a period not exceeding six months. R.S.O. 1927, c. 275, s. 38 (1).

Authority to employ women,—how granted.

(2) No person shall contract for the employment of, or employ women or girls in any occupation who during their employment lodge in a camp, unless and until a permit has

Section 35. "children" omitted because their employment is prohibited. "Form 5, schedule "B" omitted (see note under section 16). Slight textual changes.

Section 36. "child" is omitted from first line since its inclusion here would seem to permit the employment of children which is prohibited by section 25.

(a), (b), (c) No change.

Section 37. "child" is omitted from first line for reason stated above and "restaurant" is added. Textual change re reference.

Section 38.—(1) No change.

(2) and (3) according to the old Act permit for the employment of women lodging in a camp is required from the Deputy Minister of Labour. These subsections are amended, changing "Deputy Minister of Labour" to "Chief Inspector."

been obtained from the Chief Inspector authorizing such employment.

Condition
of permit.

(3) Every such permit shall be conditional upon compliance with the regulations made under the authority of this section, and the Chief Inspector may cancel or suspend any permit issued by him under subsection 2 for non-compliance with any such regulation. R.S.O. 1927, c. 275, s. 38 (2, 3); *amended*.

Regulations.

(4) The Lieutenant-Governor in Council may make regulations respecting,—

- (a) the sanitary and other conditions to be observed in a camp;
- (b) the season during which employment in a camp may be permitted and the hours of labour of women and girls;
- (c) the proper supervision of a camp, including physical and moral protection for women and girls employed therein and the appointment and duties of a suitable matron and female superintendent in a camp;
- (d) the location, drainage and arrangement of a camp, the materials to be used and the class of buildings or other shelter to be provided;
- (e) the provision of a healthful and suitable supply of food and pure water and the conditions under which the same shall be prepared and served;
- (f) washing facilities and bedding and flooring to be provided in such camps.

Penalty.

(5) Every person who employs women or girls in a camp without the permit required by subsection 2 or who refuses or neglects to comply with any regulation made under the authority of this section, shall incur a penalty of not less than \$25 nor more than \$100, and in default of payment of the same shall be liable to imprisonment for a period of not more than twelve months. R.S.O. 1927, c. 275, s. 38 (4, 5).

HEALTH AND SAFETY.

Sanitary Regulations.

Lighting
buildings.

39.—(1) The employer in every factory, shop, bakeshop, restaurant or office building shall, during working hours, keep the factory, shop, bakeshop, restaurant or office building,

(4) and (5) No change.

Section 39.—(1) This subsection is amended to include provision for the proper heating as well as lighting of buildings and "restaurant" is added to the list of buildings requiring such provision.

including all passages and sanitary conveniences used in connection therewith and under his control, properly lighted and heated so as not to be injurious to the health, safety and comfort of the employees, and the owner of every building used as a factory, shop, bakeshop, restaurant, or office building, shall at all times keep the same or such parts thereof as are under his control or are used in common by the tenants or occupants of the building, properly lighted and heated so as not to be injurious to the health, safety or comfort of persons employed in the building or using or having access to the same. R.S.O. 1927, c. 275, s. 39 (1); *amended*.

Penalty.

(2) Every owner or employer who for thirty days or for such extended period as the inspector allows, refuses or neglects to comply with the requirements of this section after being notified in writing with regard to the same, by the inspector, shall incur a penalty of not less than \$20 and not exceeding \$200, and in default of payment shall be liable to imprisonment for a period of not more than twelve months. R.S.O. 1927, c. 275, s. 39; *amended*.

Dressing
rooms and
eating rooms
for females.

40.—(1) Where not less than thirty-five females are employed in a factory or shop, the employer shall provide suitable dressing-rooms and eating rooms for the female employees and shall employ a suitable person as matron or attendant to have charge of such dressing rooms and eating rooms.

Exemptions.

(2) Subsection 1 shall not apply to any case where, owing to the nature of the occupation or for other reasons, the Chief Inspector dispenses with compliance therewith in writing signed by him.

Effect of non-compliance.

(3) Every factory or shop in which the employer neglects to comply with the provisions of this section after notice in writing from the inspector shall be deemed to be kept so that the health of the employees is endangered. R.S.O. 1927, c. 275, s. 40.

Conveniences for employees.

41.—(1) The owner of every building used as a factory, shop, bakeshop, restaurant, or office building shall

Providing
privies and
water-closets.

(a) provide a sufficient number and description of privies, earth or water-closets and urinals for employees of such factory, shop, bakeshop, restaurant or office building, including separate sets for the use of male and female employees with separate approaches thereto, one closet and one urinal for every twenty-five males and one closet for every fifteen females employed in the factory, shop,

(2) The penalty attached to this section is changed to "not less than \$20 and not more than \$200."

Section 40. No change.

Section 41.—(1) "bake-shop and restaurant" added to this section which requires adequate toilet accommodation.

bakeshop, restaurant or office building and shall keep at the entrance to such closet a clearly painted sign indicating for which sex the closets are provided;

Remedy-
ing cause of
effluvia.

- (b) be responsible for the remedying of any effluvia arising from any drain or defective plumbing and for any repairs required to keep the building in a safe and habitable condition;

Supplying
drinking
water.

- (c) arrange for a supply of pure drinking water available for each occupier. R.S.O. 1927, c. 275, s. 41 (1); *amended*.

Regulations.

- (2) The Lieutenant-Governor in Council may prescribe such additional regulations with respect to such conveniences as may be deemed proper. R.S.O. 1927, c. 275, s. 41 (2).

Contra-
vention.

- (3) The owner of every factory, shop, bakeshop, restaurant or office building who for thirty days, or such extended period as the inspector in writing allows, refuses or neglects to comply with the requirements of subsection 1 or of the regulations after being notified in writing in regard to the same by the inspector, shall incur a penalty of not less than \$20 nor more than \$200 and in default of payment shall be liable to imprisonment for any period of not more than twelve months. R.S.O.

Penalty.

1927, c. 275, s. 41 (3); *amended*.

Contra-
vention or
regulations
of Hydro-
Electric
Power Com-
mission.

- 42.** A factory, shop, bakeshop, restaurant or office building in which a contravention of the regulations made by the Hydro-Electric Power Commission of Ontario under *The Power Commission Act* occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1927, c. 275, s. 42.

Rev. Stat.,
c. 57.

Sanitary
regulations
in factory,
shop or
restaurant.

- 43.—**(1) The employer of every factory, shop or restaurant shall,—

Effluvia
from refuse.

- (a) keep it in a clean and sanitary condition and free from any effluvia arising from refuse of any kind;

Privies
and water-
closets.

- (b) keep privies, earth or water-closets and urinals in good repair and in a sanitary condition, and keep closets separated for male and female employees and provide conveniences to the satisfaction of the inspector for the employees using them;

Tem-
perature.

- (c) heat the premises throughout and regulate the temperature so as to be suitable for the work to be performed therein, and not to be injurious to the health or comfort of the employees; but in no case

(2) No change.

(3) "bake-shop and restaurant" added and penalty reduced from \$50—\$500 to \$20—\$200.

Section 42. "bake-shop and restaurant" added.

Section 43.—(1) "restaurant" added.

(a), (b) No change.

(c) The temperature required is raised from 60 degrees to 68 degrees fahrenheit, in order to standardize heat in major industries.

shall the temperature be less than sixty-eight degrees Fahrenheit unless authorized by the inspector in writing;

- Ventilation. (d) ventilate the factory, shop or restaurant in such a manner as to keep the air reasonably pure and so as to render harmless, as far as reasonably practicable, all gases, vapours, dust or other impurities generated in the course of any manufacturing process or handicraft carried on therein that may be injurious to health. R.S.O. 1927, c. 275, s. 43 (1), cls. *a*, *d*; *amended*;
- Over-crowding. (e) not allow overcrowding while work is carried on therein so as to be injurious to the health of the persons employed therein, the standard to be allowed being three hundred cubic feet of room space for each employee;
- Wash-rooms, drinking cups, etc. (f) provide a wash room, clean towels, soap and a sufficient supply of wholesome drinking water and proper drinking cups for employees, and water taps which shall be at least eight feet distant from any water closet or urinal, and also, in the case of a foundry, shower baths for the employees; and
- Damp floors. (g) if the manufacturing process carried on in any part of the premises renders the floor liable to be wet to such an extent that the health of any person employed therein is likely to be endangered see that adequate means are provided for the proper draining of such floors. R.S.O. 1927, c. 275, s. 43 (1) cls. *e*, *g*.
- Spitoons. (2) The inspector may require the employer of any factory or shop to provide a sufficient number of spitoons and place the same in different parts of the premises and keep the same clean.
- Dust. (3) In every factory or shop where any process is carried on by which dust is generated and is inhaled by the workers to an injurious extent, then subject to the regulations, the inspector may, if such inhalation can by mechanical means be prevented or partially prevented, direct that such means shall be provided within a reasonable time by the employer who shall be bound so to provide them.
- Grinding, polishing or buffing. (4) Where grinding, polishing or buffing is carried on in any factory or shop subsection 3 shall apply irrespective of the number of persons employed therein. R.S.O. 1927, c. 275, s. 43 (2-4).

(d) "restaurant" added.

(e), (f), (g) No change.

(2), (3) and (4) No change.

Employment
of persons
affected with
disease.

(5) No employer shall knowingly permit or suffer any person to work in a factory or shop in which food or food products or materials are manufactured, stored or kept for sale or sold or in a restaurant who is affected with pulmonary tuberculosis or with scrofula, or with any venereal disease or with any communicable skin disease, and every employer shall keep himself and his employees in a reasonably healthy condition. R.S.O. 1927, c. 275, s. 43 (5); *amended*.

Contra-
vention.

(6) The employer of a factory, shop or restaurant who for thirty days refuses or neglects to comply with the requirements of this section or with the regulations after being notified in writing in regard to the same by the inspector shall incur a penalty of not less than \$20 nor more than \$200 and in default of payment shall be liable to imprisonment for a period of not more than twelve months. R.S.O. 1927, c. 275, s. 43 (6); *amended*.

Regu-
lations as to
sanitary
regulations.

(7) The Lieutenant-Governor in Council may make regulations for the more effectual carrying out of the provisions of this section. R.S.O. 1927, c. 275, s. 43, (7).

Sanitary
regulations.
Office.

44.—(1) Every employer of an office shall

Office to be
kept clean
and sanitary.

(a) see that the office is kept in a clean and sanitary condition and properly ventilated, heated and lighted so as not to be injurious to the health or comfort of the persons employed therein;

No over-
crowding.

(b) not allow overcrowding so as to be injurious to the health of the persons employed therein;

Towels, soap,
drinking
water and
cups.

(c) provide a supply of clean towels, soap and a sufficient supply of wholesome drinking water and proper drinking cups for the persons employed therein.

Office
building.

(2) Where in an office building the privies, closets or urinals or other conveniences are not situate in that part of the building occupied by and under the control of an employer it shall be the duty of the owner, and where such conveniences are situate in that part of the building occupied by and under the control of a separate employer it shall be the duty of such employer to keep the same in good repair and in a sanitary condition.

Con-
veniences.

Clean
and sanitary
condition.

(3) The owner of every office building shall at all times keep the same or such parts thereof as are used in common by the tenants or occupants thereof and are under his control in a clean and sanitary condition, and so as not to be injurious to the health of persons employed in the building or using or having access to the same. R.S.O. 1927, c. 275, s. 44 (1-3).

(5) "restaurant" added.

(6) "restaurant" added, penalty decreased from \$50—\$500 to \$20—
\$200.

(7) No change.

Section 44.—(1), (2), (3) No change.

Penalty.

(4) Every owner or employer who, for thirty days or for such extended period as the inspector allows, refuses or neglects to comply with the requirements of this section after being notified in writing in regard to the same by the inspector shall incur a penalty of not less than \$20 nor more than \$200 and in default of payment shall be liable to imprisonment for any period of not more than twelve months. R.S.O. 1927, c. 275, s. 44 (4); *amended*.

Recovery by owner from tenant of expenditures.

45. Where an owner is required by or under the provisions of this Act to do anything which as between him and his tenant it is not his but the tenant's duty to do, he shall be entitled to recover from the tenant the amount of any expenditure incurred in doing it. R.S.O. 1927, c. 275, s. 45.

Restrictions as to sleeping place.

46. Without the written consent of the inspector no part of a factory shall be kept or used as a bedroom or sleeping place. R.S.O. 1927, c. 275, s. 47.

Exception as to laundries.

47. The provisions of section 46 shall not apply to a laundry in which not more than five persons are employed. R.S.O. 1927, c. 275, s. 48.

Laundry work not to be done in sleeping or living room.

48. No public laundry work shall be done in a room used for a sleeping or living room or in a room used for cooking or preparing meals. R.S.O. 1927, c. 275, s. 49.

Certain laundresses excepted.

49. The provisions of section 48 shall not apply to a female engaged in doing custom laundry work at her home for a regular family trade. R.S.O. 1927, c. 275, s. 50.

Restrictions as to stables.

50. A stable or garage shall not be kept or used under the same roof as a factory or bakeshop unless there is between the stable or garage and the factory or bakeshop a sufficient brick or other partition wall approved by the inspector separating the one from the other. R.S.O. 1927, c. 275, s. 51; *amended*.

Clothing Manufacturers.

Register of name and address of persons to whom work or material given.

51.—(1) Every person contracting for the manufacture of any garment, article of clothing, wearing apparel or any household article or any part thereof, or giving out the same to be wholly or partially altered or improved, or giving out for manufacture, alteration or improvement material from which the same are to be made up or completed, shall keep a written register of the name and address serially numbered of every person so contracted with or to whom any such garment, article or material is so given out, and of the places where the work is to be done. R.S.O. 1927, c. 275, s. 52 (1); *amended*.

(4) Penalty "not exceeding \$200" is changed to penalty "of not less than \$20 nor more than \$200."

Sections 45, 46. No change.

Section 47. Slight textual change re reference.

Section 48. No change.

Section 49. Slight textual change re reference.

Section 50. "or garage" added in order to bring requirements up to date.

Section 51. This section provides for the inspection of homes where garments or articles of clothing are being manufactured under contract in order to ensure that such work is done under sanitary conditions. This amendment to the section proposes making such provision for the manufacture of any household article by inserting these words in the section.

Copy to
inspector if
required.

(2) The register shall at all times be open to inspection by the inspector, and the person required to keep it shall furnish a copy of the register to the inspector whenever demanded by him. R.S.O. 1927, c. 275, s. 52 (2).

(3) In a city having a population of 50,000 or over,—

Taking in
goods for
making up—
permit
required.

(a) no person shall receive for manufacture, alteration or improvement, any garment, article of clothing, wearing apparel, or household article, or any part thereof or material from which the same are to be made up or completed, until he has obtained a permit from the inspector as hereinafter provided;

Goods to
be let out
only to
permit
holders.

(b) no person shall let out for manufacture, alteration or improvement, any such garment, article of clothing, wearing apparel or household article or any part thereof, or material from which the same are to be made up or completed, until he has ascertained that the person to whom the same is to be let out has received such permit. R.S.O. 1927, c. 275, s. 52 (3); *amended*.

Permission
to sell by the
inspector.

(4) No person shall knowingly sell or expose for sale any of the garments or articles mentioned in this section and made in any dwelling house, tenement house or building forming part of or in the rear of a tenement or dwelling house without a permit from the inspector stating that the place of manufacture is thoroughly clean and otherwise in a good sanitary condition.

Permit
to state
maximum
number
employed,
and may be
revoked.

(5) Such permit shall state the maximum number of persons allowed to be employed upon the premises and shall not be granted until an inspection thereof has been made by the inspector; and the permit may be revoked by the inspector at any time if, in his opinion, the protection of the health of the community or of those so employed upon the premises renders such revocation desirable.

Articles in
unclean or
unhealthy
condition
to be
impounded.

(6) When any such garment or article is found by the inspector to be made under unclean or unhealthy conditions, or upon any premises not entered on the register, he shall seize and impound the same and affix thereto a label bearing the words "unsanitary" printed on a tag not less than four inches in length; and shall immediately notify the local board of health whose duty it shall be to disinfect it and thereupon remove such label.

Articles to be
returned
after being
disinfected.

(7) The owner of any such garment or article shall be entitled after it has been disinfected to have the same returned

to him upon first paying the expense of such seizure and disinfection.

Inspector
to report
unclean or
unhealthy
conditions
to local
board of
health.

(8) If the inspector finds evidence of unclean or unhealthy conditions, or infectious or contagious disease present in any workshop or in any tenement or dwelling where any of the garments or articles hereinbefore mentioned are made, altered or improved, or in any goods manufactured or in process of manufacture on such premises, he shall forthwith report the facts to the local board of health which shall forthwith make such order as the public health may require, or may condemn and destroy all such garments or articles, or any garment or article made, altered or improved or in process of manufacture under unclean or unsanitary conditions. R.S.O. 1927, c. 275, s. 52 (4-8).

Female Employees—Mode of Wearing Hair.

Female
employees—
regulations
as to mode of
wearing hair

52.—(1) Young girls and women in a factory shall, during working hours, wear their hair rolled or plaited and fastened securely to their heads or confined in a close-fitting cap or net so as to avoid contact with machinery, shafting or belting or with the material being handled.

Notification.

(2) The manager, superintendent, foreman or other person in charge shall see that employees are fully notified of the provisions of this section. R.S.O. 1927, c. 275, s. 53.

Machinery in Motion.

Cleaning:—
Youth,
young girl or
woman.

53.—(1) A youth, young girl or woman shall not be allowed to clean any part of the machinery in a factory which is mill-gearing while the same is in motion.

Working,—
young girl.

(2) A young girl shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion.

Penalty.

(3) A youth, young girl or woman allowed to clean or work in contravention of this section shall be deemed to be employed contrary to the provisions of this Part. R.S.O. 1927, c. 275, s. 54 (2-4).

Guarding Machinery, Etc.

Pro-
tection from
machinery,
etc.

54. Whenever the inspector deems that any machinery, appliance, matter, or thing in a factory is a source of danger to the health or safety of the employees or of persons having access to the factory, he shall give notice in writing to the employer, requiring him to take such measures for guarding

Section 52. No change.

Section 53.—(1) No change.

(2), (3) "child" omitted, as the employment of such is precluded by section 25.

Sections 54, 55, 56. No change.

such machinery, appliance, matter or thing, or protecting the safety or health of employees and other persons against danger therefrom, as the inspector may think requisite and a factory in which the employer neglects to comply with any such notice within the time specified therein, shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1927, c. 275, s. 55.

55.—(1) In every factory

Guarding
dangerous
places.

- (a) all mill-gearing, vats, pans, cauldrons, reservoirs, wheel races, flumes, water-channels, openings and doors opening in the floors or walls, bridges and dangerous machinery, shafting, or belting, and all other dangerous structures and places shall be as far as practicable securely fenced or guarded;

Cleaning
machinery.

- (b) no machinery other than steam engines shall be cleaned while in motion if the inspector gives written notice to the employer to that effect;

Matters
or things
required by
the regula-
tions to be
guarded.

- (c) any matter or thing which the Lieutenant-Governor in Council by regulation requires to be fenced or guarded shall be securely and safely guarded;

Notice by
inspector.

- (d) any other matter or thing which the inspector considers dangerous, and in regard to which he gives notice in writing to that effect to the employer, shall likewise be securely fenced or guarded to the satisfaction of the inspector.

Regulations.

(2) The Lieutenant-Governor in Council may make regulations prescribing the manner in which any of the matters or things mentioned in subsection 1 shall be fenced or guarded, and the class of fence or guard to be used on any such machinery or about any such structure or place in any factory or class of factories, and for such further precautions to be taken with respect to the matters mentioned in subsection 1 as he may deem necessary for preventing loss of life or personal injury.

Contra-
vention.

(3) A factory in which a contravention of this section or of the regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1927, c. 275, s. 56.

Storage of
coal oil, etc.

56.—(1) Where coal oil, petroleum, benzine, naphtha, gasoline or explosives of any kind or any combustible or inflammable material are kept or stored in a factory or shop they shall be kept stored when not in actual use in a building

separate from the other parts of the factory or shop or in a fireproof compartment of the factory or shop which shall be approved of by the inspector.

Other inflammable material and maximum dealt with by regulations.

(2) The Lieutenant-Governor in Council may add to the articles mentioned in subsection 1 any inflammable or combustible material to which he deems it expedient that the provisions of subsection 1 should apply, and he may also prescribe the maximum quantity of any of the articles mentioned in subsection 1 or in the regulations which may at any time be in actual use in the factory or shop.

Contravention.

(3) A factory or shop in which a contravention of this section or of any regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1927, c. 275, s. 57.

Regulations re benzol, etc.

57.—(1) Regulations may be made by the Lieutenant-Governor in Council for the protection of persons engaged in any industrial process involving the use or manufacture of benzol, or of any other poisons, or of their preparations or compounds:

- (a) prescribing the conditions under which such poisons may be used or manufactured and the labelling of the containers;
- (b) respecting the posting of printed forms setting forth the dangers and safety precautions;
- (c) requiring manufacturers, distributors and others to provide accurate information regarding the percentage of harmful constituents;
- (d) providing for the periodic medical examination by qualified physicians of employees engaged in such industrial processes and the reports to be made of such examinations;
- (e) respecting the payment of fees for medical examinations;
- (f) respecting the reporting of cases of industrial poisoning by employers, doctors and others;
- (g) generally, governing such other matters as may be deemed advisable for the protection of such persons.

(2) A factory or shop in which a contravention of this section or of any regulations made thereunder occurs shall be

Section 57. This is a new section providing for regulations for the protection of persons in any industrial process involving the use or manufacture of benzol or any industrial poison. The need for such protection has been demonstrated during the year and it should be possible with care to guard against serious ill effects from the handling of such poisons.

deemed to be kept so that the safety of the persons employed therein is endangered. *New.*

Boiler Insurance and Inspection.

Annual inspection of boilers, etc., when not insured.

58.—(1) The owner or user of a boiler or other pressure vessel in a factory, shop, bakeshop, restaurant or office building or in any other building on any other premises or in any other place or in a highway or in any other public place shall not operate or use the same unless it is insured in some boiler insurance company registered in the Department of Insurance or has been inspected and reported safe to operate within the calendar year by some person authorized by the regulations under subsection 5. R.S.O. 1927, c. 275, s. 58 (1); *amended.*

Returns of boiler insurance companies.

(2) Every such boiler insurance company shall annually on the 30th day of November, transmit to the Chief Inspector, a report of the boilers in Ontario insured by it, and when the insurance is cancelled the company shall forthwith give notice thereof to the Chief Inspector. R.S.O. 1927, c. 275, s. 58 (2).

Discontinuing use when dangerous.

(3) Whenever the inspector is of opinion that a boiler or other pressure vessel is in such position, or is so located or operated as to be dangerous to life or property he may, by written notice to the owner and employer, and to the person operating or using such boiler or other pressure vessel, direct that the use of the boiler or other pressure vessel shall be discontinued until it has been inspected as provided in subsection 1 and a certificate has been given by the inspector that the boiler or other pressure vessel may be safely operated.

Effect of non-compliance.

(4) A factory, shop, bakeshop, restaurant or office building in which a boiler or other pressure vessel is used in contravention of the requirements of this section, after such notice from the inspector and before a certificate has been given as provided in subsection 3 shall be deemed to be kept so that the safety of the persons employed in the factory, shop, bakeshop, restaurant or office building is in danger. R.S.O. 1927, c. 275, s. 58 (3, 4); *amended.*

Regulations as to inspectors.

(5) Subject to the approval of the Lieutenant-Governor in Council, the Minister of Labour may make regulations:

- (a) prescribing the qualifications of persons to act as inspectors under subsection 1;
- (b) respecting the examination of candidates and the granting of certificates and the evidence to be furnished by the candidates as to previous training and experience and as to sobriety and good character;

Section 58.—(1) This section is amended in order to ensure that inspection of uninsured boilers and other pressure vessels will be carried out by qualified engineers. Such engineers are to be authorized by regulations.

(2) No change.

(3) "other pressure vessel" is added after boiler as requiring annual inspection when not insured.

(4) "bake-shop and restaurant" added and also "other pressure vessel."

(5)—(a), (b), (c), (d), (e), (f), (g). No change.

- (c) determining the periods for which the certificates shall be granted and the terms upon which they may be renewed;
- (d) fixing the fees to be paid by candidates upon examination and for certificates and renewals;
- (e) prescribing the causes for which a certificate may be revoked, cancelled or suspended;
- (f) fixing the fees or other remuneration to be paid to an inspector upon inspection;
- (g) assigning the district or locality in which any inspector is to act. R.S.O. 1927, c. 275, s. 58 (5);
- (h) prescribing the nature of reports of inspection of uninsured boilers and other pressure vessels and the conditions under which such are to be made. *New.*

Exception as
to insured
boilers.

(6) Nothing in subsection 5 shall apply to the inspection of any boiler which is insured as provided in subsection 1. R.S.O. 1927, c. 275, s. 58 (6).

(7) Nothing in this section shall apply to a boiler or other pressure vessel

- (a) used for heating purposes in a dwelling house, not being part of an apartment house; or
- (b) used on a farm for agricultural purposes only. R.S.O. 1927, c. 275, s. 58 (7); *amended.*

Elevators and Hoists.

Regulations.

59.—(1) Subject to the regulations, in every factory, shop, bakeshop, restaurant and office building,

Elevators
and hoists.

- (a) the openings of the hoistway, hatchway and well-hole used for every power elevator shall, at each floor including the basement, be provided with and protected by good and sufficient trap doors or self-closing hatches or, in the case of an elevator not operated by hand power, by gates closing automatically not less than five feet six inches high and which may be made in sections;
- (b) the sides of the shafts on all floors including the basement not guarded by gates shall be protected

(h) Is a new clause added to provide for the making of reports on the inspection of uninsured boilers and other pressure vessels.

(6) No change.

(7) The change in subsection (7) simplifies this subsection in the old Act by omitting the reference to steam boilers and to the Steam Boiler Act.

Section 59.—(1) “bake-shop and restaurant” added.

(a), (b), (c), (d), (e), (f), (g), (h) No change.

by enclosures at least six feet high, approved by the inspector;

- (c) where any elevator is enclosed in a tower having walls over six inches thick it may be provided with an extra operating rope outside the tower;
- (d) in every case the elevator must be provided with a lock to secure the operating rope;
- (e) where an elevator is operated by hand power the gates shall not be less than three feet in height and shall be automatic closing gates, and the sides not protected by gates shall be protected by enclosures not less than four feet in height approved by the inspector;
- (f) a sign on which the word "Dangerous" in letters not less than four inches in height is clearly painted shall be affixed or stencilled on the bottom rail of every gate where it will be plainly visible from the outside;
- (g) the top of every elevator platform shall be provided with a sufficient guard to protect the occupants, approved by the inspector;
- (h) every elevator, whether used for freight or passengers, shall be provided with some suitable mechanical device to be approved by the inspector whereby the car or cab will be stopped and held in case of accident to the elevator or to the machinery or appliances connected therewith. R.S.O. 1927, c. 275, s. 59 (1); *amended*.

Regulations
prescribing
additional
require-
ments.

(2) The Lieutenant-Governor in Council may by regulation prescribe such requirements in addition to or in substitution for the requirements of subsection 1 with respect to the use of elevators and hoists in factories, shops or office buildings, or in any class of factories, shops or office buildings. R.S.O. 1927, c. 275, s. 59 (2).

Penalty
for contra-
vention.

(3) Every owner or employer who after notice from the inspector uses or permits to be used any elevator or hoist in respect of which the provisions of this section are not complied with shall incur a penalty of not less than \$20 nor more than \$200 and in default of payment thereof shall be liable to imprisonment for any period not exceeding twelve months.

(2) No change.

(3) (4) Penalty decreased from \$50—\$500 to \$20—\$200.

Certain
kinds of
hoists not
to be used.

(4) Unless equipped with a brake or other device for stopping the belt and with an automatic device for stopping it at the top, an elevator or hoist constructed upon the principle of an endless belt or any similar contrivance shall not be used in any factory for carrying passengers, or goods, or freight and every owner or employer who uses or permits to be used, any such contrivance not so equipped shall incur a penalty of not less than \$20 nor more than \$200 and in default of payment thereof shall be liable to imprisonment for any period not exceeding twelve months and not less than three months, but this shall not apply to an escalator or other like contrivance which is not perpendicular, when such contrivance is supplied with handrails at the sides and is not otherwise enclosed and the Chief Inspector has certified that it is so constructed that it may be operated without danger to persons using the same. R.S.O. 1927, c. 275, s. 59 (3, 4); *amended*.

Speed.

(5) The rate of speed of an endless belt or any similar contrivance shall not exceed the rate of seventy-five feet per minute.

Rights of
municipal
councils
preserved.

Rev. Stat.,
c. 233.

(6) Nothing in this section shall take away or interfere with the powers possessed by municipal councils under *The Municipal Act* in respect of hoists or elevators. R.S.O. 1927, c. 275, s. 59 (5, 6).

Age of
person
operating
elevators.

(7) No person under the age of eighteen years shall be allowed to regularly operate or control an elevator in a factory, shop or office building. 1929, c. 72, s. 8.

Fire Prevention and Protection.

Prevention
and pro-
tection from
fire as re-
quired by
inspector
under
regulations.

60.—(1) In every factory, shop or office building there shall be such means of prevention and protection from fire and of extinguishing fire as the inspector, acting under the regulations, directs in writing.

Main doors
to open out-
wardly.

(2) In every factory and office building and in every shop in which more than fifteen persons are employed at any time during the year the main inside and outside doors for the use of employees shall open outwardly, and any door leading to or being the principal or main entrance for employees or leading to any tower stairway or fire escape shall not be bolted, barred or locked at any time during the ordinary and usual working hours.

Fire escape
appliances.

(3) The owner of every factory, shop or office building over two storeys in height, and where deemed necessary by the inspector, the owner of every factory, shop or office building

(5), (6), (7) No change.

Section 60.—(1), (2), (3) No change.

over one storey in height, shall provide one or more systems of fire escapes and shall keep the same in good repair and to the satisfaction of the Chief Inspector, as follows:

Tower stairways and iron doorways.

- (a) a sufficient number of tower stairways with iron doorways within reach of or having easy communication with all the working rooms;

Iron or un inflammable fire escapes.

- (b) a sufficient number of iron or other un inflammable fire escapes on the outside of the building consisting of stairways with railing or, if the approval of the inspector is given in writing then of iron ladders; and every such stairway or ladder shall be connected with the interior of the building by iron or tinned doors or windows with iron shutters, and shall have suitable landings at every storey, including the attic if the attic is occupied as a workroom, and the stairways shall start at a distance of not more than eight feet from the ground or pavement. R.S.O. 1927, c. 275, s. 60 (1-3).

Extent of outside fire escapes.

- (4) No outside fire escape shall extend above the fifth floor of any factory, shop or office building, and the ground floor shall be considered the first floor. *New.*

Regulations.

- (5) The Lieutenant-Governor in Council may make regulations for the more effectual carrying out of the provisions of this section and for the adoption of any system of fire escape in substitution for those above mentioned. R.S.O. 1927, c. 275, s. 60 (4).

Penalty for contra-vention.

- (6) The owner or proprietor of any factory, shop or office building refusing or neglecting to provide the means of safe exit in case of fire prescribed in this section, or by the regulations made thereunder, shall incur a penalty of not less than \$20 nor more than \$200 and in default of immediate payment of the same shall be liable to imprisonment for a period of not more than twelve months. R.S.O. 1927, c. 275, s. 60 (5); *amended.*

Contra-vention.

- (7) A factory, shop or office building in which a contra-vention of this section, or of any regulation made thereunder occurs, shall be deemed to be kept so that safety of the persons employed therein is endangered. R.S.O. 1927, c. 275, s. 60 (6).

Notice of Accidents, Explosions and Deaths.

Notice of accident to be given to inspector.

- 61.** Where a fire or accident in any factory, shop, bakeshop, restaurant or office building occasions any bodily injury to any

(4) This is a new subsection prohibiting the use of outside fire escapes above the fifth floor in any factory, shop or office building since the use of such have proved dangerous.

(5) No change.

(6) The penalty provided is decreased from \$50—\$500 to \$20—\$200.

(7) No change.

Sections 61, 62 and 63. "bake-shop and restaurant" is added and "in the prescribed form" is substituted for "Form 6, Schedule B. (See note under section 16.)

person employed therein whereby he is prevented from working for more than six days next after the fire or accident, a notice in the prescribed form shall be sent to the Chief Inspector by the employer forthwith after the expiration of such six days, and if such notice is not so sent the employer shall incur a penalty of not less than \$10 nor more than \$30. R.S.O. 1927, c. 275, s. 61; *amended*.

Notice of explosion.

62. Where an explosion occurs in a factory, shop, bakeshop, restaurant or office building, whether any person is injured thereby or not, the fact of such explosion having occurred shall be reported to the Chief Inspector in writing by the employer in the prescribed form within twenty-four hours next after the explosion takes place, and if such notice is not so sent the employer shall incur a penalty of not less than \$10 nor more than \$30. R.S.O. 1927, c. 275, s. 62; *amended*.

Notification of death or fatal injury.

63. Where in a factory, shop, bakeshop, restaurant or office building any person is killed from any cause, or is injured from any cause in a manner likely to prove fatal, written notice of the accident in the prescribed form shall be sent to the Chief Inspector within twenty-four hours after the occurrence thereof and if such notice is not so sent the employer shall incur a penalty of not less than \$10 nor more than \$30. R.S.O. 1927, c. 275, s. 63; *amended*.

Bakeshops.

Construction, lighting, heating, ventilation and drainage of bakeshops.

64. Every bakeshop shall be constructed and maintained as to lighting, heating, ventilation and drainage in such a manner as not to be dangerous or injurious to the health of any person working therein, and shall be kept at all times in a clean and sanitary condition, and so as to secure the manufacture and preservation of all food products and materials therein in a good and wholesome condition. R.S.O. 1927, c. 275, s. 64.

Washroom, towels, soap and closet.

65.—(1) Every bakeshop which is not within the provisions of this Part relating to factories or shops shall be provided with a proper washroom and a sufficient supply of clean towels and soap, and a closet and other conveniences for the health and comfort of the persons employed therein.

Situation of washrooms and closet.

(2) The washroom, closets and other conveniences shall be separate from the bakeshop and shall be kept clean and in a sanitary condition. R.S.O. 1927, c. 275, s. 65.

No bakeshop to be in basement.

66.—(1) No bakeshop shall be kept in any basement or in any part of a building which is below the level of the street or road upon which the bakeshop is situate.

Sections 64, 65, 66, 67. No change.

Application. (2) This section shall not apply to any bakeshop established before the 6th day of May, 1913. R.S.O. 1927, c. 275, s. 66.

Sleeping places to be separate. **67.** The sleeping places of the employees of every bakeshop shall be separate from the bakeshop, and no person shall sleep in a bakeshop. R.S.O. 1927, c. 275, s. 67.

Health and hours of labour. **68.** Subsection 5 of section 43 and section 71 shall apply to every bakeshop whether the same is or is not a factory or shop within the provisions of this Part relating to factories and shops. R.S.O. 1927, c. 275, s. 68.

Fire escapes. **69.** Every bakeshop, not being a factory or shop to which section 60 applies, shall be provided with proper means and facilities of escape in case of fire to the satisfaction of the inspector. R.S.O. 1927, c. 275, s. 69.

Sale of bread, etc., manufactured out of Ontario. **70.** No person shall sell, expose or offer for sale bread or buns manufactured out of Ontario without the written permission of an inspector. R.S.O. 1927, c. 275, s. 70.

No person to work on Sunday or more than 12 hours except with inspector's permission. **71.** Except with the written permission of the inspector no person shall require, permit or suffer any employee in any bakeshop to work on Sunday, nor for more than twelve hours in any twenty-four hours, computed from the time when the employee commences to work, nor more than sixty hours in any one week, and a copy of such permission shall be posted up in a conspicuous place in the bakeshop. R.S.O. 1927, c. 275, s. 71.

OFFENCES AND PENALTIES.

Premises dangerous to health or safety. **72.—(1)** No person shall keep a factory, shop, bakeshop, restaurant or office building so that the safety of persons employed therein is endangered, or so that the health of the persons employed therein is likely to be injured, and every person who so keeps a factory, shop, bakeshop, restaurant or office building shall incur a penalty of not less than \$20 nor more than \$200 or may be imprisoned in the common gaol of the county within which the offence was committed for a period of not more than twelve months.

Penalty.

Enumeration not to affect generality. (2) The enumeration in this Part of cases in which it is declared that where an act or omission occurs a factory, shop, bakeshop, restaurant or office building shall be deemed to be kept so that the safety of the persons employed therein is endangered shall not restrict or limit the generality of the provisions of subsection 1. R.S.O. 1927, c. 275, s. 73; *amended*.

False entries, etc. **73.** Every person who wilfully makes a false entry in any register, notice, certificate or document required by this Part

Sections 68, 69. Slight textual change re reference.

Sections 70, 71. No change.

Section 72 of the old Act dealing with barber-shops has been omitted because provision for barber-shops has been made through the amended definition of "shop" by the addition of the phrase "or places where services are offered for sale."

Section 72.—(1) "bake-shop and restaurant" added and penalty reduced from \$50—\$500 to \$20—\$200.

(2) "bake-shop and restaurant" added.

Section 73. By this amendment provision is added in connection with penalty for falsification of records required "by the regulations" as well as "by this Part." The penalty for such is increased from \$10—\$100 to \$50—\$300.

Penalty. or the regulations made under this Part, to be kept or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall incur a penalty of not less than \$50 nor more than \$300 and in default of immediate payment of such penalty shall be liable to imprisonment for a period not exceeding six months. R.S.O. 1927, c. 275, s. 74; *amended*.

Parents
liable to
penalty.

74. The parent of any child, youth or young girl employed in contravention of this Part, unless such employment is without the consent, connivance or wilful default of such parent shall for each offence incur a penalty of not less than \$10 nor more than \$50. R.S.O. 1927, c. 275, s. 75.

Penalty
for contra-
vention of
Act where no
express
penalty
provided.

75. If any of the provisions of this Part, or of the regulations, or any directions of the inspector are contravened and no other penalty is herein provided for such contravention the offender shall incur a penalty of not less than \$10 nor more than \$50. R.S.O. 1927, c. 275, s. 76.

Onus of
proof as to
age of child.

76. Where a child, youth or young girl is, in the opinion of the police magistrate or justice, apparently of the age alleged by the informant it shall lie on the person charged to prove that the child, youth or young girl is not of that age. R.S.O. 1927, c. 275, s. 77.

Penalty
on person
committing
offence for
which
employer is
liable.

77. Where an offence for which an employer is liable under this Part has in fact been committed by some agent, servant, workman or other person such agent, servant, workman or other person shall also be liable to the same penalty or punishment for such offence as if he were the employer. R.S.O. 1927, c. 275, s. 78.

Power of
employer
to exempt
himself
from fine on
conviction of
the actual
offender.

78. Where the employer is charged with an offence against this Part he shall be entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before the police magistrate or justice at the time appointed for hearing the charge; and if after the commission of the offence has been proved, the employer proves to the satisfaction of the police magistrate or justice that he had used due diligence to enforce the execution of this Part, and that such other person had committed the offence without the knowledge, consent or connivance of the employer such other person may be summarily convicted of such offence and the employer shall be exempt from any penalty or punishment. R.S.O. 1927, c. 275, s. 79.

Inspector
to proceed
against
actual
offender.

79. Where it appears to the satisfaction of the inspector that an employer had used all due diligence to enforce the

Sections 74, 75, 76, 77, 78, 79, 80. No changes.

execution of this Part, and also by what person an offence against this Part was committed, and that it was committed without the knowledge, consent or connivance of the employer and in contravention of his orders the inspector shall proceed against the person whom he believes to be the actual offender in the first instance and not against the employer, and in case of his conviction the employer shall be exempt from any penalty or punishment. R.S.O. 1927, c. 275, s. 80.

Restraint on
cumulative
fines.

80. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger penalty or punishment than the highest penalty or punishment fixed by this Part for the offence except where:

- (a) the repetition of the offence occurs after an information has been laid for the previous offence; or
- (b) the offence is one of employing two or more children, youths, young girls or women contrary to the provisions of this Part. R.S.O. 1927, c. 275, s. 81.

Prosecutions
and
procedure.
Rev. Stat.,
c. 121.

81.—(1) Save where otherwise provided by this Act all prosecutions under this Part may be brought and heard under *The Summary Convictions Act*. R.S.O. 1927, c. 275, s. 83 (1); *amended*.

Limitation of
prosecutions.

(2) The information shall be laid within two months, or where the offence is punishable at discretion by imprisonment within three months, after the offence has come to the knowledge of the inspector, or where the inspector has given notice to the offender to remedy the matter which is alleged to be an offence against this Part, within three months after the expiry of the time given by the notice to remedy the same. R.S.O. 1927, c. 275, s. 83 (2).

Allegation as
to factory,
shop, bake-
shop,
restaurant or
office
building.

(3) It shall be sufficient to allege that a factory, shop, bake-shop, restaurant or office building is a factory, shop, bakeshop, restaurant or office building within the meaning of this Part. R.S.O. 1927, c. 275, s. 83 (3); *amended*.

Statement as
to name of
employer.

(4) It shall be sufficient to state the name of the ostensible employer or the firm name by which the employer is usually known. R.S.O. 1927, c. 275, s. 83 (4).

Payment
over of
penalties.

82. Penalties recovered under this Act shall be paid by the convicting magistrate to the inspector or to the Crown Attorney, and shall be paid over by the inspector or the Crown Attorney as the case may be, to the Chief Inspector and accounted for to the Treasurer of Ontario. R.S.O. 1927, c. 275, s. 84.

Section 81.—(1) Takes the place of section 83 (1) of the old Act, which was as follows:—

(1) "All prosecutions under this Part may be brought and heard before a police magistrate or any two justices in and for the county, district or place where the offence was committed, and save where otherwise provided by this Act, The Summary Convictions Act shall apply thereto."

(2) No change.

(3) "bake-shop and restaurant" added.

(4) No change.

Sections 82, 83, 84. No change.

Minimum
penalty.

83. Whenever in this Act it is provided that a penalty may be imposed for an offence against this Act and no minimum penalty is prescribed, no less penalty shall be imposed upon conviction of the offence than an amount equivalent to one-tenth of the maximum penalty, and in no case less than \$10. 1929, c. 72, s. 9.

Limitation of
liability in
certain cases.

84. In all cases between employer and employed or their representatives where liability for damages arises by reason of any violation of this Part the liability shall be subject to the limitations contained in *The Workmen's Compensation Act*. R.S.O. 1927, c. 275, s. 85.

Rev. Stat.,
c. 179.

PART II.

MUNICIPAL BY-LAWS AS TO CLOSING OF SHOPS.

Inter-
pretation.

85.—(1) In this section and in any by-law passed thereunder:

"Shop."

(a) "Shop" shall mean a building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops; but shall not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house;

"Closed."

(b) "Closed" shall mean not open for the serving of any customer.

Exception as
to customers
entering
before clos-
ing hour.

(2) Nothing in this section or in any by-law passed under the authority thereof shall render unlawful the continuance in a shop after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, or the serving of such customers during their continuance therein.

By-law
determining
hours of
closing.

(3) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops within the municipality shall be closed, and remain closed on each or any day of the week at and during any time or hours between seven of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day, but no such by-law shall be deemed to apply to the sale of fresh fruit.

Council to
pass by-law
on applica-
tion of
occupiers
of shops.

(4) If an application is presented to such council praying for the passing of a by-law requiring the closing of any class of shops situate within the municipality, and the council is satisfied that such application is signed by not less than

three-fourths in number of the occupiers of shops within the municipality belonging to the class to which such application relates, the council shall, within one month after the presentation of such application, pass a by-law giving effect thereto and requiring all shops within the municipality belonging to the class specified in the application to be closed during the period of the year and at the times and hours mentioned in subsection 3 as are named in the application.

Compulsory
closing of
shops for
weekly half-
holiday.

(5) If an application is presented to the council of a city, town or village praying for the passing of a by-law requiring the closing of any class of shops situate within the municipality and the council is satisfied that such application is signed by not less than three-quarters in number of the occupiers of shops within the municipality belonging to the class to which such application relates, the council shall, within one month after the presentation of such application, pass a by-law giving effect thereto and requiring all shops within the municipality belonging to the class specified in the application to be closed and remain closed on one particular day of the week during such time or hours between twelve-thirty o'clock noon and five of the clock of the forenoon of the next following day and during such periods of the year as are named in the application.

Presentation
of applica-
tion.

(6) If the application is delivered to the clerk of the council it shall be deemed to have been presented to and received by the council.

Powers
of township
councils.

(7) The council of every township shall, with respect to any portion of such township designated in the by-law, have all the rights and powers conferred by this section on the council of a city, town or village, and may pass by-laws which shall apply only to that portion of the township so designated.

Regulations
as to form
and proof of
applications.

(8) The council may by by-law make regulations as to the form of the application and as to the evidence to be produced respecting the proportion of persons signing the same and as to the classification of shops for the purposes of this section, and it shall not be compulsory upon the council to pass such by-law unless and until all such regulations have been duly observed.

Commence-
ment and
publication
of by-laws.

(9) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the council passing the by-law may appear best fitted to insure the publicity thereof.

Conditions
of repeal.

(10) A council shall not repeal a by-law passed pursuant to subsection 4 except as provided in the next following subsection.

Idem.

(11) If at any time it is made to appear to the satisfaction of the council that more than one-third in number of the occupiers of shops to which any by-law passed by the council under the authority of subsection 4 relates, or of any class of such shops, are opposed to the continuance of such by-law the council may repeal the by-law, or may repeal the same in so far as it affects such class; but any such repeal shall not affect the power of the council to thereafter pass another by-law under any of the provisions of this section.

Closing
of shops
in which
several
trades are
carried on.

(12) A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours in which it is by any such by-law required to be closed for the purpose of that one of such trades which is the principal trade carried on in such shop.

Exception
as to sales by
druggists.

(13) A pharmaceutical chemist or druggist shall not, nor shall any occupier of, or person employed in or about a shop in any village or township be liable to any penalty or punishment under any such by-law for supplying medicines, drugs or medical appliances after the hour appointed by such by-law for the closing of shops; but nothing in this subsection shall authorize any person to keep open shop after that hour.

Supplying
articles to
lodgers, etc.

(14) Nothing in any such by-law shall render the occupier of any premises liable to any penalty or punishment for supplying any article to any person lodging in such premises, or for supplying any article required for immediate use by reason of any emergency arising from sickness, ailment or death, or for supplying or selling any article to any person for use on or in or about or with respect to any steamboat or sailing vessel which at the time of such supplying or selling is either within or in the immediate neighbourhood of the municipality in which the premises are situate, or for use by or with respect to any person employed or engaged on or being a passenger on or by any such steamboat or sailing vessel; but nothing in this subsection shall authorize any person to keep open shop after the hour appointed by such by-law for the closing of shops.

Councils
may pass
by-laws con-
taining
different
provisions
for different
localities.

(15) A by-law passed by the council of a township for the closing of all or any class or classes of shops may as to any or all of its terms and provisions, differ from any other by-law

passed by the same council for the closing of all or any class or classes of shops in any other designated part of the same township.

By-laws
invalid as to
one class
may be good
as to others.

(16) Notwithstanding that the occupiers of any class of shops required to be closed by a by-law passed under the provisions of subsection 4 may not have presented an application for the passing of such by-law every such by-law shall, nevertheless, be valid and effectual as respects any other, and the occupiers of any other class of shops thereby required to be closed in conformity with any application in that behalf made or presented to the council by the prescribed number of occupiers of such last mentioned class.

Burden
of proof.

(17) The onus of proving that an application in compliance with subsection 4 was not presented by the prescribed number of the occupiers of any class of shops shall be upon the person asserting that such application was not so presented.

Agent or
servant to be
liable to
penalty.

(18) Where an offence for which the occupier of a shop is liable under any such by-law to any penalty or punishment has in fact been committed by some agent or servant of such occupier such agent or servant shall be liable to the same penalty or punishment as if he were the occupier.

Power of
occupier to
exempt him-
self on con-
viction of
actual
offender.

(19) Where the occupier of a shop is charged with an offence against any such by-law he shall be entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the court that he has used due diligence to enforce the execution of the provisions of the by-law, and that such other person committed the offence without his knowledge, consent or connivance, such other person may be summarily convicted of such offence and shall be liable to the same penalty or punishment as if he were the occupier, and the occupier shall be exempt from any penalty or punishment.

Municipal
Act to apply.

(20) The provisions of *The Municipal Act* as to the penalties which may be imposed for contravention of by-laws and the recovery thereof shall apply to by-laws passed under this section. R.S.O. 1927, c. 275, s. 86.

Rev. Stat.,
c. 233.

Repeal.

86. *The Factory, Shop and Office Building Act*, being chapter 275 of the Revised Statutes of Ontario, 1927, and *The Factory, Shop and Office Building Act, 1929*, being chapter 72 of the Statutes of Ontario, 1929, are hereby repealed.

Commence-
ment of Act.

87. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act for the Protection of Persons
Employed in Factories, Shops and
Office Buildings.

1st Reading

March 17th, 1932

2nd Reading

3rd Reading

MR. MONTEITH

No. 124

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

**An Act for the Protection of Persons employed in Factories, Shops
and Office Buildings.**

MR. MONTEITH

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act for the Protection of Persons Employed in Factories, Shops and Office Buildings.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as *The Factory, Shop and Office Building Act, 1932.*

Interpretation.

**Interpre-
tation.** **2.** In this Act,—

- "Bakeshop."** (a) "Bakeshop" shall mean any building, premises, workshop, structure, room or place wherein is carried on the manufacture or sale of confectionery, or of bread, biscuits, cakes or any other food product made from flour, or from meal or from both, in whole or in part, and shall include any room or rooms used for storing the confectionery, bread, biscuits, cakes and other food products and materials;
- "Child."** (b) "Child" shall mean a person under the age of fourteen years;
- "Court."** (c) "Court" shall mean the justices of the peace or police magistrate, as the case may be, to whom jurisdiction is given by this Act to hear and determine prosecutions under this Part. R.S.O. 1927, c. 275, s. 1, cls. *a-c*;
- "Employer."** (d) "Employer" as applied to a factory, shop, bakeshop or restaurant shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent has charge of any factory, shop, bakeshop, or restaurant, and employs persons therein, and in the case of an office building shall include the superintendent, manager or caretaker thereof;

(e) "Factory" shall mean,—

"Factory."

- (i) any building, premises, workshop, structure, room or place in which any manufacturing process or assembling in connection with the manufacturing of any goods or products, is carried on;
 - (ii) any building, workshop, structure, premises, room or place wherein or within the precincts of which steam, water, electrical power or energy or other power is used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incidental to the preparing, manufacturing or finishing of any article, substance, material, fabric or compound, or is used to aid the manufacturing process carried on there;
 - (iii) any building, workshop, structure, premises, room or place wherein the employer of the persons working there has the right of access and control, and in which or within the precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any article or part of any article, the altering, repairing, ornamenting or finishing of any article, or the adapting for sale of any article; R.S.O. 1927, c. 275, s. 1, cls. d, e; *amended*.
- (f) "Inspector" shall mean an inspector appointed by the Lieutenant-Governor in Council for enforcing the provisions of this Part and shall include the Chief Inspector; "Inspector."
- (g) "Mill-gearing" shall include every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley or other appliance by which the motion of the first motive power is communicated to any machine appertaining to a manufacturing process; "Mill gearing."
- (h) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Part; "Minister."
- (i) "Office" shall include a building or that part of a building occupied and under the control of a separate employer and used for office purposes; "Office."

"Office
building."

- (j) "Office building" shall mean a building used or occupied for office purposes and not as a shop or factory, and shall include a part of a building when so used or occupied; R.S.O. 1927, c. 275, s. 1, cls. *f-j*;

"Owner."

- (k) "Owner" shall mean the person for the time being entitled in his own right or as a trustee, mortgagee in possession, guardian, committee, agent or otherwise to receive the rents, issues and profits of any premises used as a factory, shop, bakeshop, restaurant or office building so far as such rents, issues and profits are not payable solely in respect of the use or occupancy of land apart from any buildings or other improvements erected or situate thereon; R.S.O. 1927, c. 275, s. 1, cl. *k*; *amended*.

"Parent."

- (l) "Parent" shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a youth or young girl;

"Regu-
lations."

- (m) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Part; R.S.O. 1927, c. 275, s. 1, cls. *l, m*.

"Restau-
rant."

- (n) "Restaurant" shall mean a dining room, cafeteria, cafe, buffet or any place where meals or refreshments are served to order, but shall not include restaurants or dining rooms in connection with licensed or standard hotels, unless operated under separate management; *new*.

"Shop."

- (o) "Shop" shall mean any building or a portion of a building, booth, stall or place where goods are handled or exposed or offered for sale, and any such building or portion of a building, booth, stall or place where services are offered for sale or where goods are manufactured and which is not a factory to which this Act applies; R.S.O. 1927, c. 275, s. 1, cl. *n*; *amended*.

"Woman."

- (p) "Woman" shall mean a woman of eighteen years of age and upwards;

"Young
girl."

- (q) "Young girl" shall mean a girl of the age of fourteen and under the age of eighteen years;

"Youth."

- (r) "Youth" shall mean a male of the age of fourteen and under the age of sixteen years. R.S.O. 1927, c. 275, s. 1, cls. *p-r*.

Application of Act.

3.—(1) Nothing in this Part shall in any way conflict or interfere with the powers and duties of local boards of health or the officers appointed under *The Public Health Act*. Act not to affect, Rev. Stat., c. 262.

(2) For the purposes of this Part in respect to sanitary measures the Chief Officer of Health or any health officer may act jointly with, or independently of the inspector under this Part. R.S.O. 1927, c. 275, s. 2. Administration.

4. A building, or a part of a building, used and occupied by a municipal or school corporation or by any municipal commission for office purposes shall be deemed an office building within the meaning of this Act, and the municipal or school corporation or commission owning or occupying any such building or part of a building shall be deemed the owner thereof within the meaning of this Act notwithstanding that no rents, issues or profits are derived therefrom. R.S.O. 1927, c. 275, s. 4. "Office building," definition of.

5. Nothing in this Part shall extend to a mechanic, artisan or labourer working only in repairing either the machinery in or any part of a factory, shop, bakeshop, restaurant or office building. R.S.O. 1927, c. 275, s. 5; *amended*. Act not to apply to persons working only at repairs.

6.—(1) A part of a building used as a factory, shop, bakeshop, restaurant or office building may, with the written approval of an inspector for the purposes of this Part be taken to be a separate factory, shop, bakeshop, restaurant or office building. R.S.O. 1927, c. 275, s. 6 (1); *amended*. When separate factory.

(2) A place used as a dwelling or sleeping room only shall not be deemed to form part of a factory, shop, bakeshop, restaurant or office building for the purposes of this Part. Dwelling or sleeping room not part of factory.

(3) Where a place situate within the close or precincts forming a factory is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory such place shall not be deemed to form part of that factory for the purposes of this Part, but shall, if otherwise it would be a factory, be deemed to be a separate factory and be regulated accordingly. When separate and when part.

(4) Any premises or place shall not be excluded from the definition of a factory by reason only that such premises or place are or is in the open air. R.S.O. 1927, c. 275, s. 6 (2-4). When premises in open air not excluded.

7.—(1) Every shop, building or room in which one or more persons are employed in doing public laundry work by way of Certain laundries to be deemed factories.

trade or for the purpose of gain shall be deemed a factory to which this Part applies.

Home laundry work excepted.

(2) This section shall not apply to a dwelling in which a female is engaged in doing custom laundry work at her home for a regular family trade. R.S.O. 1927, c. 275, s. 7.

Where not more than five employed and no power

8.—(1) Except where machinery operated or driven by steam, electric or other motive power is used, this Part shall not apply to any factory where not more than five persons are employed and no power other than manual labour is used for any manufacturing process carried on there. R.S.O. 1927, c. 275, s. 8 (1); *amended*.

Where more than five some-times employed.

(2) A factory in which in any calendar year more than five persons are employed at any one time shall during that year be deemed a factory unless the inspector is satisfied that less than six persons are usually employed therein.

Members of family at home in shop.

(3) This Part shall not apply to any shop where only members of the employer's own family dwelling in a house to which the shop is attached are employed at home unless machinery is used which is operated by steam, electrical or other power, except hand power. R.S.O. 1927, c. 275, s. 8 (2, 3).

Who to be deemed employed.

9.—(1) Where any owner, occupier or tenant of any premises, building, workshop, structure, room or place who has the right of access thereto and control thereof contracts for work or labour to be done therein by any other person, or lets or hires out any part thereof for that purpose, and such other person engages or employs therein any workman, youth, young girl or woman in or for the carrying out or performing of such work or labour, or any part thereof, every such workman, youth, young girl or woman shall, for all the purposes of this Part, be deemed to be in the service and employment of such owner, occupier or tenant.

Mode of computing numbers employed.

(2) In computing the number of persons employed in any place in order to ascertain if such place is a factory to which this Part applies every such workman, youth, young girl or woman shall be counted. R.S.O. 1927, c. 275, s. 9.

Evidence as to employment.

10.—(1) Every person found in a factory, except at meal times or except while all the machinery of the factory is stopped, or for any other purpose than that of bringing food to the persons employed in the factory, shall, until the contrary is proved, be deemed for the purposes of this Part to have been then employed in the factory. R.S.O. 1927, c. 275, s. 10 (1).

(2) Playgrounds, waiting rooms and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on shall not be taken to be part of the factory for the purposes of this section. R.S.O. 1927, c. 275, s. 10 (2); *amended*. Places not part of factory.

11.—(1) A youth, young girl or woman who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made, or otherwise the subject of the manufacturing process or handicraft therein shall, save as is herein otherwise provided, be deemed to be employed in such factory. When a youth, young girl, or woman to be deemed employed.

(2) For the purpose of this section an apprentice shall be deemed to work for hire. R.S.O. 1927, c. 275, s. 11. Apprentices.

12.—(1) In every factory and shop the employer shall keep a register of the youths, young girls and women employed in the factory and shop and of their employment, in the prescribed form, and shall send to the inspector such extracts from any register kept in pursuance of this Part as the inspector from time to time requires for the execution of his duties, and shall permit the inspector at all times to inspect such register. R.S.O. 1927, c. 275, s. 12 (1), *amended*. Register.

(2) For every contravention of this section the employer shall incur a penalty of not less than \$10 nor more than \$30. R.S.O. 1927, c. 275, s. 12 (2). Penalty.

13. Where, in a factory or shop, the owner or hirer of a machine or implement moved by steam, water, electrical power or energy or other power in or about or in connection with which machine or implement any youth, young girl or woman is employed, is some person other than the employer, and such youth, young girl or woman is in the employment and pay of the owner or hirer of such machine or implement he shall, so far as respects any offence against this Part which may be committed in relation to such youth, young girl or woman, be deemed to be the employer. R.S.O. 1927, c. 275, s. 14. Who to be deemed employer in certain cases.

14.—(1) Before erecting any building or altering any existing building which it is intended thereafter to use as a Plans to be submitted to inspector.

factory or, where the building or proposed building is over two storeys in height, as a shop, bakeshop, restaurant, or office building, the owner shall submit the plans of such building or of the proposed alterations to the inspector; and the inspector shall examine the same, and if he finds that the plans provide for the fulfilment of the requirements of this Act as to the construction of factories, shops, bakeshops, restaurants or office buildings, as the case may be, he shall certify his approval thereon, and the owner shall not proceed with the erection or alteration of such building without such approval. R.S.O. 1927, c. 275, s. 15 (1); *amended*.

Plans to be
in duplicate.

(2) Every such plan shall be submitted in duplicate and one duplicate may be certified as provided in the said section and the other shall be retained by the inspector and filed in the Department of Labour. R.S.O. 1927, c. 275, s. 15 (2).

Certificate
of inspection
before
operating
factory.

15.—(1) The owner, proprietor or manager of any factory shall not begin operations until he has received from the inspector a certificate of inspection of the factory and a permit to operate the same.

Penalty.

(2) Any person who contravenes the provisions of this section shall incur the penalties provided for in section 72. R.S.O. 1927, c. 275, s. 16.

Notice to
be sent to
inspector
by person
occupying
factory.

16. Every person shall, within one month after he begins to occupy a factory, transmit to the inspector a notice, containing the name of the factory, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the motive power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall incur a penalty of not less than \$10 nor more than \$30. R.S.O. 1927, c. 275, s. 17.

Penalty.

ADMINISTRATION.

Power of
Lieutenant-
Governor
in Council

17. The Lieutenant-Governor in Council may for the purpose of carrying out this Part,—

Appoint-
ment of
inspectors
and Chief
Inspector.

(a) appoint as many inspectors, male or female, as may be deemed necessary, one of whom he may designate as Chief Inspector who shall have the general supervision and direction of the other inspectors and the carrying out of the provisions of this Part;

Regulations
for carry-
ing out
provisions
of Part.

(b) make such regulations for carrying out the provisions of this Part as may be deemed necessary. R.S.O. 1927, c. 275, s. 18.

18.—(1) Every inspector may, in the execution of this Act ^{Powers of inspector.} and for enforcing the regulations,—

- (a) enter, inspect and examine at all reasonable times by ^{Inspection at reasonable time.} day or night any factory, shop, bakeshop, restaurant or office building when he has reasonable cause to believe that any person is employed therein, or any premises when he has reasonable cause to believe that such premises or any part thereof are being used as a factory, shop, bakeshop, restaurant or office building;
- (b) require the production of any register, certificate, ^{Require production of registers, etc.} notice or document required by this Part or the regulations to be kept, and inspect, examine and copy the same;
- (c) take with him a constable into a factory, shop, bakeshop, restaurant or office building in which he has ^{Take constable with him.} reasonable cause to apprehend any serious obstruction in the execution of his duty, and whenever the inspector requires any constable authorized to act in the locality to accompany him it shall be the duty of the chief constable and every member of the police force in any locality to render the inspector such assistance in carrying out his duties under this Act as he may require, and to put down any resistance, obstruction or hindrance by force if necessary;
- (d) make such examination and enquiry as may be ^{Make examination and enquiry.} necessary to ascertain whether the provisions of this Part are complied with so far as respects the factory, shop, bakeshop, restaurant or office building and the persons employed therein;
- (e) examine either alone or in the presence of any other ^{Examine persons.} persons, as he thinks fit, with respect to matters under this Part, every person whom he finds in a factory, shop, bakeshop, restaurant or office building or whom he has reasonable cause to believe to be, or to have been within the two preceding months, employed in a factory, shop, bakeshop, restaurant, or office building, and require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined;
- (f) for the purpose of any investigation, inquiry or ^{Administer oaths.} examination made by him under the authority of this Part, administer an oath to and summon any person to give evidence;

Exercise
other
powers.

(g) exercise such other powers as may be necessary for carrying out the provisions of this Part.

Duty of
owner and
employer.

(2) The owner and employer and his or their agents and servants shall furnish all necessary means in his or their power required by the inspector for any entry, inspection, examination, inquiry or the exercise of his powers in relation to such factory, shop, bakeshop, restaurant or office building. R.S.O. 1927, c. 275, s. 19 (1, 2); *amended*.

Obstructing
inspector.

(3) Every person who wilfully delays the inspector in the exercise of any power under this section, or who fails to comply with a requisition or summons of the inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or attempts to conceal, or prevents or attempts to prevent a youth, young girl or woman from appearing before or being examined by the inspector shall be deemed to obstruct an inspector in the execution of his duties under this Part. R.S.O. 1927, c. 275, s. 19 (3).

Penalty for
obstructing.

(4) Where the inspector is obstructed in the execution of his duties the person obstructing him shall incur a penalty of not less than \$10 nor more than \$30; and where he is so obstructed in a factory, shop, bakeshop, restaurant or office building the employer shall incur a penalty of not less than \$10 nor more than \$30, or where the offence is committed at night \$100.

Inspector's
duties in
enforcing
provisions
as to steam
plants and
hoisting
plants.

(5) It shall be the duty of the inspectors appointed under this Act to assist with the enforcement of *The Operating Engineers Act* by reporting to the Board of Examiners any violation thereof, and to furnish to the Board such information as they may have as to the conduct and capability of any person holding or applying for a certificate. R.S.O. 1927, c. 275, s. 19 (4, 5); *amended*.

Inspector's
duties as to
enforcement
of "Mini-
mum Wage
Act."
Rev. Stat.,
c. 277.

(6) It shall be the duty of every inspector appointed under this Act to report any violation of section 20 of *The Minimum Wage Act* to the Minimum Wage Board. R.S.O. 1927, c. 275, s. 19 (6).

Certificate
of appoint-
ment.

19. Every inspector shall be furnished with a certificate of his appointment under the hand and seal of the Minister and on applying for admission to any premises shall, if required, produce such certificate. R.S.O. 1927, c. 275, s. 20.

Production.

Inspector
may take
medical
practitioner,
etc., into
factory.

20. The inspector, whenever he deems it necessary, may take with him into any premises a legally qualified medical practitioner, medical officer of health or sanitary inspector. R.S.O. 1927, c. 275, s. 21.

21.—(1) The inspector, before entering, in pursuance of the powers conferred by this Part without the consent of the occupier, any room or place actually used as a dwelling, shall obtain such warrant as is hereinafter mentioned from a justice of the peace.

(2) The justice, if satisfied by information on oath that there is reasonable cause to suppose that any provision of this Part is contravened in any such room or place, shall grant a warrant under his hand authorizing the inspector named therein, at any time not exceeding one month from the date thereof, to enter the room or place named in the warrant and exercise therein the powers of inspection and examination conferred by this Act; and the provisions of this Part with respect to obstruction of the inspector shall apply. R.S.O. 1927, c. 275, s. 22.

22. Where an inspector is called as a witness he may, by the direction and on behalf of the Attorney-General or of a member of the Executive Council, object to giving evidence as to any premises inspected by him in the course of his duty. R.S.O. 1927, c. 275, s. 23.

23.—(1) There shall be affixed by the inspector at the entrance of a factory and in such other convenient parts of every factory, shop, bakeshop, restaurant and office building as the inspector directs, and it shall be the duty of the employer to see that all such notices are constantly kept so affixed in the form directed by the inspector and in such position as to be easily read by the persons employed,—

- (a) such notices of the provisions of this Part and of any regulations made thereunder as the inspector deems necessary to enable the persons employed to become acquainted with their rights, liabilities and duties under this Part;
- (b) a notice of the name and address of the inspector;
- (c) in the case of a factory a notice of the clock, if any, by which the period of employment and times for meals in the factory are regulated;
- (d) every other notice and document required by this Part to be so affixed.

(2) In the event of a contravention of any provision or requirement of this section the employer shall incur a penalty not exceeding \$20; and any person who pulls down, alters or

defaces any such notice shall incur a like penalty. R.S.O. 1927, c. 275, s. 24 (2).

Notices, etc.,
and mode
of service.

24.—(1) Any notice, order, requisition, summons or document required or authorized to be served or sent for the purposes of this Part may be served or sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer, by delivering the same, or a true copy thereof, to his agent or to some person in the factory, shop, bakeshop, restaurant or office building of which he is employer.

By mailing.

(2) Such notice, order, requisition, summons or document may also be served or sent by post, and if so served or sent shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that it was properly addressed and mailed; and where it is required to be served on or sent to an employer it shall be deemed to be properly addressed if addressed to the factory, shop, bakeshop, restaurant or office building in respect of which he is employer, with the addition of the proper postal address, but without naming the employer. R.S.O. 1927, c. 275, s. 25; *amended*.

EMPLOYMENT.

Children, Youths, Young Girls and Women.

Employment
of children.

25. No child shall be employed in a factory, shop, bakeshop, restaurant or office building. *New*.

Prohibiting
employment
of young
girls and
youths.

26. The Lieutenant-Governor in Council may by proclamation prohibit the employment of young girls and youths in factories the work in which he deems dangerous or unwholesome. R.S.O. 1927, c. 275, s. 27.

Employ-
ment of
adolescents.

27. No person under sixteen years of age shall be employed in any factory, shop, bakeshop, restaurant or office during school hours unless such person shall have furnished to the employer a certificate issued in accordance with the provision of *The Adolescent School Attendance Act* permitting the absence of such person from school, and such certificate shall be kept on file by the employer and produced whenever called for by the inspector. 1929, c. 72, s. 4; *amended*.

Rev. Stat.,
c. 333.

Seats to be
provided
for female
employees
in shops.

28.—(1) In all rooms of any shop in which young girls or women are employed the employer shall at all times provide and keep therein a sufficient number of chairs or seats suitably

placed for the use of every such young girl or woman, and shall permit her to use such chairs or seats when not necessarily engaged in the work or duty for which she is employed; and the employer shall not by any open or covert threat, rule or other intimation, expressed or implied, or by any contrivance, prevent any female employee from using such chairs or seats.

(2) Where in the opinion of the inspector the whole or a substantial portion of the work upon which female employees are engaged in any department of a factory or office in which women or young girls are employed can be efficiently performed while such female employees are seated, the employer shall provide such chairs or seats as may be directed in writing by the Chief Inspector.

Supplying seats for female employees in factories and offices.

(3) Any person who contravenes any of the provisions of this section shall incur a penalty of not less than \$10 nor more than \$25. R.S.O. 1927, c. 275, s. 29.

Penalty.

29.—(1) No Chinese person shall employ in any capacity or have under his direction or control any female white person in any factory, restaurant or laundry.

Employment of women by Chinese.

(2) Subsection 1 shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation.

Commencement of section.

1929, c. 72, s. 5.

Hours of Employment.

30. Except as provided in sections 31, 32 and 33, in a factory, shop, bakeshop, or restaurant

Generally.

(a) no youth, young girl or woman shall be employed for more than ten hours in one day; nor shall any such person be so employed for more than sixty hours in any one week;

Total length daily.
And weekly.

(b) the hours of labour for any such person in any one day shall not be earlier than seven o'clock in the forenoon or later than half-past six o'clock in the afternoon in a factory or eleven o'clock in the afternoon in a shop or restaurant unless a special permit in writing is obtained from the inspector;

Hours of labour.

(c) no youth, young girl or woman who has been previously on any day employed in any factory, shop or restaurant for the number of hours permitted by this Part shall, to the knowledge of the employer, be employed on the same day in any other factory, shop or restaurant, and no such person who has been

Employment in two different places.

so employed in a factory, shop or restaurant for less than such number of hours shall be employed in any other factory, shop or restaurant on the same day for a longer period than will complete such number of hours;

Time
for meals.

- (d) the employer shall allow every youth, young girl or woman not less than one hour at noon of each day for meals, and such hour shall not be counted as part of the time herein limited for the employment of any such person. R.S.O. 1927, c. 275, s. 31; *amended*.

Hours of
employment
from
December
14th to 24th.

31. A youth, young girl or woman may be employed in a shop between the hours of seven o'clock in the morning and ten o'clock in the afternoon on Saturday and the day next before a statutory holiday, and during the period from the 14th day of December to the 24th day of December, both inclusive, in each year, but the hours shall not exceed ten hours in any one day nor sixty hours in any one week. R.S.O. 1927, c. 275, s. 32; *amended*.

Exemption
by inspector.

32.—(1) Subject to the regulations, where

Accidents
to motive
power.

- (a) any accident which prevents the working of a factory happens to the motive power; or

Machinery
unworkable.

- (b) from any other occurrence beyond the control of the employer the machinery, or any part of the machinery, of any factory cannot be regularly worked; or

Customs or
exigencies
of trade.

- (c) the customs or exigencies of trade require that the youths, young girls or women working in a factory, or in certain processes in a factory, shall be employed for longer than the prescribed period,

the inspector may, on proof to his satisfaction of such accident, occurrence, custom, or exigency of trade, give permission in writing for such exemption from the observance of the foregoing provisions as will, in his judgment, fairly and equitably to the employers of, and to the youths, young girls and women in such factory, make up for any loss of labour from such accident or occurrence or meet the requirements of such custom or exigency of trade.

Hours of
employment
during
period of
exemption.
Not before
6 a.m. and
after 9 p.m.

(2) If the inspector permits such exemption,—

- (a) no youth, young girl or woman shall be employed before the hour of six o'clock in the morning nor after the hour of nine o'clock in the afternoon;

- (b) the hours of labour for youths, young girls and women shall not be more than twelve and one-half in any one day nor more than seventy-two and one-half in any one week; Not more than 12½ hours a day or 72½ a week.
- (c) such exemption shall not comprise more than thirty-six days in the whole in any twelve months; and in reckoning such period of thirty-six days every day on which the youth, young girl or woman has been employed overtime shall be taken into account; Period of exemption.
- (d) during the continuance of such exemption, in addition to the hour for the noonday meal, there shall be allowed to every youth, young girl or woman so employed in the factory on any day to an hour later than seven of the clock in the afternoon not less than forty-five minutes for another meal between five and eight of the clock in the afternoon; and Time for additional meal during period of exemption.
- (e) in every factory with respect to which any such permission for exemption is given there shall, in compliance with the provisions of section 23, be affixed a notice specifying the extent and particulars of such exemption. Notice of particulars of exemption. R.S.O. 1927, c. 275, s. 33.

33.—(1) Notwithstanding anything herein contained, the Chief Inspector may grant a permit authorizing the operation of a factory by a double shift but the hours of labour shall not exceed eight hours for each shift nor be more than sixteen hours for both shifts and such double shift shall be between the hours of six o'clock in the forenoon and eleven o'clock in the afternoon. Double shift.

(2) Where an employer operates a double shift, every youth, young girl and woman shall be allowed not less than one hour for a noon-day meal or evening meal as the case may be, and the time for the noon-day meal shall be between ten o'clock in the forenoon and twelve o'clock noon and for the evening meal between six o'clock and eight o'clock in the afternoon. Time for meal.
New.

34. In all cases where any youth, young girl or woman works beyond the number of hours in any one day or in any one week as provided in this Act, and whether the inspector under this Act has permitted exemption or not, such youth, young girl or woman shall be entitled to be paid wages for such overtime, and the Minimum Wage Board of Ontario shall have the right to establish a rate of wage for all such overtime worked in any one day or in any one week. 1929, c. 72, s. 6; *amended*. Payment for overtime.

Notice of hours of employment to be affixed in factory.

35. Notice of the hours between which youths, young girls or women may be employed in a factory shall be in such form as may be prescribed by the regulations, and shall be signed by the inspector and by the employer, and shall be posted up during the period covered by such notice in such conspicuous place or places in the factory as the inspector requires. R.S.O. 1927, c. 275, s. 35; *amended*.

Meals on Premises.

Taking meals where manufacturing going on.

36. In a factory or shop in which any youth, young girl or woman is employed,—

(a) if the inspector so directs in writing the employer shall not allow any such person to take meals in any room in which any manufacturing process is then being carried on;

Providing dining and eating rooms.

(b) after being directed by the inspector in writing so to do the employer shall, at his own expense, provide a suitable room or place in the factory or shop or in connection therewith for the purposes of a dining and eating room for persons employed in the factory or shop, no part of the expense of which shall be payable by or chargeable to the wages of the employees;

Food not to be taken in room where poisonous substances exposed.

(c) no person shall take or be allowed to take food into any room where paint, varnish, dye, white lead, arsenic or any other poisonous substance is exposed, or where deleterious fumes, dust or gases are known to be present, and drinking water in any such room shall be taken directly from taps or suitably closed receptacles. R.S.O. 1927, c. 275, s. 36; *amended*.

Unlawful employment in contravention of ss. 28 to 32.

37. Where a youth, young girl or woman is employed in a factory, shop or restaurant in which there is a contravention of any of the provisions of sections 28 to 32, or of any regulation made under section 32, such youth, young girl or woman shall be deemed to be unlawfully employed and so that his or her health is likely to be injured. R.S.O. 1927, c. 275, s. 37; 1929, c. 72, s. 7; *amended*.

Camp.

38.—(1) In this section “camp” shall mean shelter provided for the lodging of six or more persons employed in gainful occupation for a temporary purpose and for a period not exceeding six months. R.S.O. 1927, c. 275, s. 38 (1).

Authority to employ women,—how granted.

(2) No person shall contract for the employment of, or employ women or girls in any occupation who during their employment lodge in a camp, unless and until a permit has

been obtained from the Chief Inspector authorizing such employment.

(3) Every such permit shall be conditional upon compliance ^{Condition of permit.} with the regulations made under the authority of this section, and the Chief Inspector may cancel or suspend any permit issued by him under subsection 2 for non-compliance with any such regulation. R.S.O. 1927, c. 275, s. 38 (2, 3); *amended*.

(4) The Lieutenant-Governor in Council may make ^{Regulations.} regulations respecting,—

- (a) the sanitary and other conditions to be observed in a camp;
- (b) the season during which employment in a camp may be permitted and the hours of labour of women and girls;
- (c) the proper supervision of a camp, including physical and moral protection for women and girls employed therein and the appointment and duties of a suitable matron and female superintendent in a camp;
- (d) the location, drainage and arrangement of a camp, the materials to be used and the class of buildings or other shelter to be provided;
- (e) the provision of a healthful and suitable supply of food and pure water and the conditions under which the same shall be prepared and served;
- (f) washing facilities and bedding and flooring to be provided in such camps.

(5) Every person who employs women or girls in a camp ^{Penalty.} without the permit required by subsection 2 or who refuses or neglects to comply with any regulation made under the authority of this section, shall incur a penalty of not less than \$25 nor more than \$100, and in default of payment of the same shall be liable to imprisonment for a period of not more than twelve months. R.S.O. 1927, c. 275, s. 38 (4, 5).

HEALTH AND SAFETY.

Sanitary Regulations.

39.—(1) The employer in every factory, shop, bakeshop, ^{Lighting buildings.} restaurant or office building shall, during working hours, keep the factory, shop, bakeshop, restaurant or office building,

including all passages and sanitary conveniences used in connection therewith and under his control, properly lighted and heated so as not to be injurious to the health, safety and comfort of the employees, and the owner of every building used as a factory, shop, bakeshop, restaurant, or office building, shall at all times keep the same or such parts thereof as are under his control or are used in common by the tenants or occupants of the building, properly lighted and heated so as not to be injurious to the health, safety or comfort of persons employed in the building or using or having access to the same. R.S.O. 1927, c. 275, s. 39 (1); *amended*.

Penalty.

(2) Every owner or employer who for thirty days or for such extended period as the inspector allows, refuses or neglects to comply with the requirements of this section after being notified in writing with regard to the same by the inspector, shall incur a penalty of not less than \$20 and not exceeding \$200, and in default of payment shall be liable to imprisonment for a period of not more than twelve months. R.S.O. 1927, c. 275, s. 39 (2); *amended*.

Dressing
rooms and
eating rooms
for females.

40.—(1) Where not less than thirty-five females are employed in a factory or shop, the employer shall provide suitable dressing-rooms and eating rooms for the female employees and shall employ a suitable person as matron or attendant to have charge of such dressing rooms and eating rooms.

Exemptions.

(2) Subsection 1 shall not apply to any case where, owing to the nature of the occupation or for other reasons, the Chief Inspector dispenses with compliance therewith in writing signed by him.

Effect of non-compliance.

(3) Every factory or shop in which the employer neglects to comply with the provisions of this section after notice in writing from the inspector shall be deemed to be kept so that the health of the employees is endangered. R.S.O. 1927, c. 275, s. 40.

Conveniences for
employees.

41.—(1) The owner of every building used as a factory, shop, bakeshop, restaurant, or office building shall

Providing
privies and
water-closets.

(a) provide a sufficient number and description of privies, earth or water-closets and urinals for employees of such factory, shop, bakeshop, restaurant or office building, including separate sets for the use of male and female employees with separate approaches thereto, one closet and one urinal for every twenty-five males and one closet for every fifteen females employed in the factory, shop,

bakeshop, restaurant or office building and shall keep at the entrance to such closet a clearly painted sign indicating for which sex the closets are provided;

- (b) be responsible for the remedying of any effluvia arising from any drain or defective plumbing and for any repairs required to keep the building in a safe and habitable condition; Remedying cause of effluvia.
- (c) arrange for a supply of pure drinking water available for each occupier. R.S.O. 1927, c. 275, s. 41 (1); *amended.* Supplying drinking water.

(2) The Lieutenant-Governor in Council may prescribe such additional regulations with respect to such conveniences as may be deemed proper. R.S.O. 1927, c. 275, s. 41 (2). Regulations.

(3) The owner of every factory, shop, bakeshop, restaurant or office building who for thirty days, or such extended period as the inspector in writing allows, refuses or neglects to comply with the requirements of subsection 1 or of the regulations after being notified in writing in regard to the same by the inspector, shall incur a penalty of not less than \$20 nor more than \$200 and in default of payment shall be liable to imprisonment for any period of not more than twelve months. R.S.O. 1927, c. 275, s. 41 (3); *amended.* Contravention. Penalty.

42. A factory, shop, bakeshop, restaurant or office building in which a contravention of the regulations made by the Hydro-Electric Power Commission of Ontario under *The Power Commission Act* occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1927, c. 275, s. 42. Contravention of regulations of Hydro-Electric Power Commission. Rev. Stat., c. 57.

43.—(1) The employer of every factory, shop or restaurant shall,— Sanitary regulations in factory, shop or restaurant.

- (a) keep it in a clean and sanitary condition and free from any effluvia arising from refuse of any kind; Effluvia from refuse.
- (b) keep privies, earth or water-closets and urinals in good repair and in a sanitary condition, and keep closets separated for male and female employees and provide conveniences to the satisfaction of the inspector for the employees using them; Privies and water-closets.
- (c) heat the premises throughout and regulate the temperature so as to be suitable for the work to be performed therein, and not to be injurious to the health or comfort of the employees; but in no case Temperature.

shall the temperature be less than sixty-eight degrees Fahrenheit unless authorized by the inspector in writing;

- Ventilation. (d) ventilate the factory, shop or restaurant in such a manner as to keep the air reasonably pure and so as to render harmless, as far as reasonably practicable, all gases, vapours, dust or other impurities generated in the course of any manufacturing process or handicraft carried on therein that may be injurious to health. R.S.O. 1927, c. 275, s. 43 (1), cls. *a, d*; *amended*;
- Over-crowding. (e) not allow overcrowding while work is carried on therein so as to be injurious to the health of the persons employed therein, the standard to be allowed being three hundred cubic feet of room space for each employee;
- Wash-rooms, drinking cups, etc. (f) provide a wash room, clean towels, soap and a sufficient supply of wholesome drinking water and proper drinking cups for employees, and water taps which shall be at least eight feet distant from any water closet or urinal, and also, in the case of a foundry, shower baths for the employees; and
- Damp floors. (g) if the manufacturing process carried on in any part of the premises renders the floor liable to be wet to such an extent that the health of any person employed therein is likely to be endangered, see that adequate means are provided for the proper draining of such floors. R.S.O. 1927, c. 275, s. 43 (1) cls. *e, g*.
- Spitoons. (2) The inspector may require the employer of any factory or shop to provide a sufficient number of spitoons and place the same in different parts of the premises and keep the same clean.
- Dust. (3) In every factory or shop where any process is carried on by which dust is generated and is inhaled by the workers to an injurious extent, then subject to the regulations, the inspector may, if such inhalation can by mechanical means be prevented or partially prevented, direct that such means shall be provided within a reasonable time by the employer who shall be bound so to provide them.
- Grinding, polishing or buffing. (4) Where grinding, polishing or buffing is carried on in any factory or shop subsection 3 shall apply irrespective of the number of persons employed therein. R.S.O. 1927, c. 275, s. 43 (2-4).

(5) No employer shall knowingly permit or suffer any person to work in a factory or shop in which food or food products or materials are manufactured, stored or kept for sale or sold or in a restaurant, who is affected with pulmonary tuberculosis or with scrofula, or with any venereal disease or with any communicable skin disease, and every employer shall keep himself and his employees in a reasonably healthy condition. R.S.O. 1927, c. 275, s. 43 (5); *amended*. Employment of persons affected with disease.

(6) The employer of a factory, shop or restaurant who for thirty days refuses or neglects to comply with the requirements of this section or with the regulations after being notified in writing in regard to the same by the inspector, shall incur a penalty of not less than \$20 nor more than \$200 and in default of payment shall be liable to imprisonment for a period of not more than twelve months. R.S.O. 1927, c. 275, s. 43 (6); *amended*. Contra-vention.

(7) The Lieutenant-Governor in Council may make regulations for the more effectual carrying out of the provisions of this section. R.S.O. 1927, c. 275, s. 43, (7). Regulations as to sanitary regulations.

44.—(1) Every employer of an office shall Sanitary regulations.

(a) see that the office is kept in a clean and sanitary condition and properly ventilated, heated and lighted so as not to be injurious to the health or comfort of the persons employed therein; Office to be kept clean and sanitary.

(b) not allow overcrowding so as to be injurious to the health of the persons employed therein; No overcrowding.

(c) provide a supply of clean towels, soap and a sufficient supply of wholesome drinking water and proper drinking cups for the persons employed therein. Towels, soap, drinking water and cups.

(2) Where in an office building the privies, closets or urinals or other conveniences are not situate in that part of the building occupied by and under the control of an employer it shall be the duty of the owner, and where such conveniences are situate in that part of the building occupied by and under the control of a separate employer, it shall be the duty of such employer to keep the same in good repair and in a sanitary condition. Office building. Conveniences.

(3) The owner of every office building shall at all times keep the same or such parts thereof as are used in common by the tenants or occupants thereof and are under his control, in a clean and sanitary condition and so as not to be injurious to the health of persons employed in the building or using or having access to the same. R.S.O. 1927, c. 275, s. 44 (1-3). Clean and sanitary condition.

Penalty.

(4) Every owner or employer who, for thirty days or for such extended period as the inspector allows, refuses or neglects to comply with the requirements of this section after being notified in writing in regard to the same by the inspector shall incur a penalty of not less than \$20 nor more than \$200 and in default of payment shall be liable to imprisonment for any period of not more than twelve months. R.S.O. 1927, c. 275, s. 44 (4); *amended*.

Recovery by owner from tenant of expenditures.

45. Where an owner is required by or under the provisions of this Act to do anything which as between him and his tenant it is not his but the tenant's duty to do, he shall be entitled to recover from the tenant the amount of any expenditure incurred in doing it. R.S.O. 1927, c. 275, s. 45.

Restrictions as to sleeping place.

46. Without the written consent of the inspector no part of a factory shall be kept or used as a bedroom or sleeping place. R.S.O. 1927, c. 275, s. 47.

Exception as to laundries.

47. The provisions of section 46 shall not apply to a laundry in which not more than five persons are employed. R.S.O. 1927, c. 275, s. 48.

Laundry work not to be done in sleeping or living room.

48. No public laundry work shall be done in a room used for a sleeping or living room or in a room used for cooking or preparing meals. R.S.O. 1927, c. 275, s. 49.

Certain laundresses excepted.

49. The provisions of section 48 shall not apply to a female engaged in doing custom laundry work at her home for a regular family trade. R.S.O. 1927, c. 275, s. 50.

Restrictions as to stables.

50. A stable or garage shall not be kept or used under the same roof as a factory or bakeshop unless there is between the stable or garage and the factory or bakeshop a sufficient brick or other partition wall approved by the inspector separating the one from the other. R.S.O. 1927, c. 275, s. 51; *amended*.

Clothing Manufacturers.

Register of name and address of persons to whom work or material given.

51.—(1) Every person contracting for the manufacture of any garment, article of clothing, wearing apparel or any household article or any part thereof, or giving out the same to be wholly or partially altered or improved, or giving out for manufacture, alteration or improvement material from which the same are to be made up or completed, shall keep a written register of the name and address serially numbered of every person so contracted with or to whom any such garment, article or material is so given out, and of the places where the work is to be done. R.S.O. 1927, c. 275, s. 52 (1); *amended*.

(2) The register shall at all times be open to inspection by the inspector, and the person required to keep it shall furnish a copy of the register to the inspector whenever demanded by him. R.S.O. 1927, c. 275, s. 52 (2). Copy to inspector if required.

(3) In a city having a population of 50,000 or over,—

(a) no person shall receive for manufacture, alteration or improvement, any garment, article of clothing, wearing apparel, or household article, or any part thereof or material from which the same are to be made up or completed, until he has obtained a permit from the inspector as hereinafter provided; Taking in goods for making up—permit required.

(b) no person shall let out for manufacture, alteration or improvement, any such garment, article of clothing, wearing apparel or household article or any part thereof, or material from which the same are to be made up or completed, until he has ascertained that the person to whom the same is to be let out has received such permit. R.S.O. 1927, c. 275, s. 52 (3); *amended*. Goods to be let out only to permit holders.

(4) No person shall knowingly sell or expose for sale any of the garments or articles mentioned in this section and made in any dwelling house, tenement house or building forming part of or in the rear of a tenement or dwelling house without a permit from the inspector stating that the place of manufacture is thoroughly clean and otherwise in a good sanitary condition. Permission to sell by the inspector.

(5) Such permit shall state the maximum number of persons allowed to be employed upon the premises and shall not be granted until an inspection thereof has been made by the inspector; and the permit may be revoked by the inspector at any time if, in his opinion, the protection of the health of the community or of those so employed upon the premises renders such revocation desirable. Permit to state maximum number employed, and may be revoked

(6) When any such garment or article is found by the inspector to be made under unclean or unhealthy conditions, or upon any premises not entered on the register, he shall seize and impound the same and affix thereto a label bearing the words "unsanitary" printed on a tag not less than four inches in length; and shall immediately notify the local board of health whose duty it shall be to disinfect it and thereupon remove such label. Articles in unclean or unhealthy condition to be impounded.

(7) The owner of any such garment or article shall be entitled after it has been disinfected to have the same returned Articles to be returned after being disinfected.

to him upon first paying the expense of such seizure and disinfection.

Inspector
to report
unclean or
unhealthy
conditions
to local
board of
health.

(8) If the inspector finds evidence of unclean or unhealthy conditions, or infectious or contagious disease present in any workshop or in any tenement or dwelling where any of the garments or articles hereinbefore mentioned are made, altered or improved, or in any goods manufactured or in process of manufacture on such premises, he shall forthwith report the facts to the local board of health which shall forthwith make such order as the public health may require, or may condemn and destroy all such garments or articles, or any garment or article made, altered or improved or in process of manufacture under unclean or unsanitary conditions. R.S.O. 1927, c. 275, s. 52 (4-8).

Female Employees—Mode of Wearing Hair.

Female
employees—
regulations
as to mode of
wearing hair

52.—(1) Young girls and women in a factory shall, during working hours, wear their hair rolled or plaited and fastened securely to their heads or confined in a close-fitting cap or net so as to avoid contact with machinery, shafting or belting or with the material being handled.

Notification.

(2) The manager, superintendent, foreman or other person in charge shall see that employees are fully notified of the provisions of this section. R.S.O. 1927, c. 275, s. 53.

Machinery in Motion.

Cleaning:—
Youth,
young girl or
woman.

53.—(1) A youth, young girl or woman shall not be allowed to clean any part of the machinery in a factory which is mill-gearing while the same is in motion. R.S.O. 1927, c. 275, s. 54 (1), *amended*.

Working,—
young girl.

(2) A young girl shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion.

Penalty.

(3) A youth, young girl or woman allowed to clean or work in contravention of this section shall be deemed to be employed contrary to the provisions of this Part. R.S.O. 1927, c. 275, s. 54 (2-4).

Guarding Machinery, Etc.

Pro-
tection from
machinery,
etc.

54. Whenever the inspector deems that any machinery, appliance, matter, or thing in a factory is a source of danger to the health or safety of the employees or of persons having access to the factory, he shall give notice in writing to the employer, requiring him to take such measures for guarding

such machinery, appliance, matter or thing, or protecting the safety or health of employees and other persons against danger therefrom, as the inspector may think requisite and a factory in which the employer neglects to comply with any such notice within the time specified therein, shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1927, c. 275, s. 55. Effect of non-compliance.

55.—(1) In every factory

- (a) all mill-gearing, vats, pans, cauldrons, reservoirs, wheel races, flumes, water-channels, openings and doors opening in the floors or walls, bridges and dangerous machinery, shafting, or belting, and all other dangerous structures and places shall be as far as practicable securely fenced or guarded; Guarding dangerous places.
- (b) no machinery other than steam engines shall be cleaned while in motion if the inspector gives written notice to the employer to that effect; Cleaning machinery.
- (c) any matter or thing which the Lieutenant-Governor in Council by regulation requires to be fenced or guarded shall be securely and safely guarded; Matters or things required by the regulations to be guarded.
- (d) any other matter or thing which the inspector considers dangerous, and in regard to which he gives notice in writing to that effect to the employer, shall likewise be securely fenced or guarded to the satisfaction of the inspector. Notice by inspector.

(2) The Lieutenant-Governor in Council may make regulations prescribing the manner in which any of the matters or things mentioned in subsection 1 shall be fenced or guarded, and the class of fence or guard to be used on any such machinery or about any such structure or place in any factory or class of factories, and for such further precautions to be taken with respect to the matters mentioned in subsection 1 as he may deem necessary for preventing loss of life or personal injury. Regulations.

(3) A factory in which a contravention of this section or of the regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1927, c. 275, s. 56. Contra-vention.

56.—(1) Where coal oil, petroleum, benzine, naphtha, gasoline or explosives of any kind or any combustible or inflammable material are kept or stored in a factory or shop they shall be kept stored when not in actual use in a building Storage of coal oil, etc.

separate from the other parts of the factory or shop or in a fireproof compartment of the factory or shop which shall be approved of by the inspector.

Other inflammable material and maximum dealt with by regulations.

(2) The Lieutenant-Governor in Council may add to the articles mentioned in subsection 1 any inflammable or combustible material to which he deems it expedient that the provisions of subsection 1 should apply, and he may also prescribe the maximum quantity of any of the articles mentioned in subsection 1 or in the regulations which may at any time be in actual use in the factory or shop.

Contravention.

(3) A factory or shop in which a contravention of this section or of any regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1927, c. 275, s. 57.

Regulations re benzol, etc.

57.—(1) Regulations may be made by the Lieutenant-Governor in Council for the protection of persons engaged in any industrial process involving the use or manufacture of benzol, or of any other poisons, or of their preparations or compounds:

- (a) prescribing the conditions under which such poisons may be used or manufactured and the labelling of the containers;
- (b) respecting the posting of printed forms setting forth the dangers and safety precautions;
- (c) requiring manufacturers, distributors and others to provide accurate information regarding the percentage of harmful constituents;
- (d) providing for the periodic medical examination by qualified physicians of employees engaged in such industrial processes and the reports to be made of such examinations;
- (e) respecting the payment of fees for medical examinations;
- (f) respecting the reporting of cases of industrial poisoning by employers, doctors and others;
- (g) generally, governing such other matters as may be deemed advisable for the protection of such persons.

(2) A factory or shop in which a contravention of this section or of any regulations made thereunder occurs shall be

deemed to be kept so that the safety of the persons employed therein is endangered. *New.*

Boiler Insurance and Inspection.

58.—(1) The owner or user of a boiler or other pressure vessel in a factory, shop, bakeshop, restaurant or office building or in any other building on any other premises or in any other place or in a highway or in any other public place shall not operate or use the same unless it is insured in some boiler insurance company registered in the Department of Insurance or has been inspected and reported safe to operate within the calendar year by some person authorized by the regulations under subsection 5. R.S.O. 1927, c. 275, s. 58 (1); *amended.* Annual inspection of boilers, etc., when not insured.

(2) Every such boiler insurance company shall annually on the 30th day of November, transmit to the Chief Inspector, a report of the boilers and other pressure vessels in Ontario insured by it, and when the insurance is cancelled the company shall forthwith give notice thereof to the Chief Inspector. R.S.O. 1927, c. 275, s. 58 (2). Returns of boiler insurance companies.

(3) Whenever the inspector is of opinion that a boiler or other pressure vessel is in such position, or is so located or operated as to be dangerous to life or property he may, by written notice to the owner and employer, and to the person operating or using such boiler or other pressure vessel, direct that the use of the boiler or other pressure vessel shall be discontinued until it has been inspected as provided in subsection 1 and a certificate has been given by the inspector that the boiler or other pressure vessel may be safely operated. Discontinuing use when dangerous.

(4) A factory, shop, bakeshop, restaurant or office building in which a boiler or other pressure vessel is used in contravention of the requirements of this section, after such notice from the inspector and before a certificate has been given as provided in subsection 3 shall be deemed to be kept so that the safety of the persons employed in the factory, shop, bakeshop, restaurant or office building is in danger. R.S.O. 1927, c. 275, s. 58 (3, 4); *amended.* Effect of non-compliance.

(5) Subject to the approval of the Lieutenant-Governor in Council, the Minister of Labour may make regulations: Regulations as to inspectors.

- (a) prescribing the qualifications of persons to act as inspectors under subsection 1;
- (b) respecting the examination of candidates and the granting of certificates and the evidence to be furnished by the candidates as to previous training and experience and as to sobriety and good character;

- (c) determining the periods for which the certificates shall be granted and the terms upon which they may be renewed;
- (d) fixing the fees to be paid by candidates upon examination and for certificates and renewals;
- (e) prescribing the causes for which a certificate may be revoked, cancelled or suspended;
- (f) fixing the fees or other remuneration to be paid to an inspector upon inspection;
- (g) assigning the district or locality in which any inspector is to act. R.S.O. 1927, c. 275, s. 58 (5);
- (h) prescribing the nature of reports of inspection of uninsured boilers and other pressure vessels and the conditions under which such are to be made. *New.*

Exception as to insured boilers.

(6) Nothing in subsection 5 shall apply to the inspection of any boiler or other pressure vessel which is insured as provided in subsection 1. R.S.O. 1927, c. 275, s. 58 (6).

Certain boilers excepted.

(7) Nothing in this section shall apply to a boiler or other pressure vessel

- (a) used for heating purposes in a dwelling house, not being part of an apartment house; or
- (b) used on a farm for agricultural purposes only. R.S.O. 1927, c. 275, s. 58 (7); *amended.*

Elevators and Hoists.

Regulations.

59.—(1) Subject to the regulations, in every factory, shop, bakeshop, restaurant and office building,

Elevators and hoists.

- (a) the openings of the hoistway, hatchway and well-hole used for every power elevator shall, at each floor including the basement, be provided with and protected by good and sufficient trap doors or self-closing hatches or, in the case of an elevator not operated by hand power, by gates closing automatically not less than five feet six inches high and which may be made in sections;
- (b) the sides of the shafts on all floors including the basement not guarded by gates shall be protected

by enclosures at least six feet high, approved by the inspector;

- (c) where any elevator is enclosed in a tower having walls over six inches thick it may be provided with an extra operating rope outside the tower;
- (d) in every case the elevator must be provided with a lock to secure the operating rope;
- (e) where an elevator is operated by hand power the gates shall not be less than three feet in height and shall be automatic closing gates, and the sides not protected by gates shall be protected by enclosures not less than four feet in height approved by the inspector;
- (f) a sign on which the word "Dangerous" in letters not less than four inches in height is clearly painted shall be affixed or stencilled on the bottom rail of every gate where it will be plainly visible from the outside;
- (g) the top of every elevator platform shall be provided with a sufficient guard to protect the occupants, approved by the inspector;
- (h) every elevator, whether used for freight or passengers, shall be provided with some suitable mechanical device to be approved by the inspector whereby the car or cab will be stopped and held in case of accident to the elevator or to the machinery or appliances connected therewith. R.S.O. 1927, c. 275, s. 59 (1); *amended*.

(2) The Lieutenant-Governor in Council may by regulation prescribe such requirements in addition to or in substitution for the requirements of subsection 1 with respect to the use of elevators and hoists in factories, shops, bakeshops, restaurants or office buildings, or in any class of factories, shops, bakeshops, restaurants, or office buildings. R.S.O. 1927, c. 275, s. 59 (2). Regulations prescribing additional requirements.

(3) Every owner or employer who after notice from the inspector uses or permits to be used any elevator or hoist in respect of which the provisions of this section are not complied with shall incur a penalty of not less than \$20 nor more than \$200 and in default of payment thereof shall be liable to imprisonment for any period not exceeding twelve months. Penalty for contravention.

Certain
kinds of
hoists not
to be used.

(4) Unless equipped with a brake or other device for stopping the belt and with an automatic device for stopping it at the top, an elevator or hoist constructed upon the principle of an endless belt or any similar contrivance shall not be used in any factory for carrying passengers, or goods, or freight and every owner or employer who uses or permits to be used, any such contrivance not so equipped shall incur a penalty of not less than \$20 nor more than \$200 and in default of payment thereof shall be liable to imprisonment for any period not exceeding twelve months and not less than three months, but this shall not apply to an escalator or other like contrivance which is not perpendicular, when such contrivance is supplied with handrails at the sides and is not otherwise enclosed and the Chief Inspector has certified that it is so constructed that it may be operated without danger to persons using the same. R.S.O. 1927, c. 275, s. 59 (3, 4); *amended*.

Speed.

(5) The rate of speed of an endless belt or any similar contrivance shall not exceed the rate of seventy-five feet per minute.

Rights of
municipal
councils
preserved.

Rev. Stat.,
c. 233.

(6) Nothing in this section shall take away or interfere with the powers possessed by municipal councils under *The Municipal Act* in respect of hoists or elevators. R.S.O. 1927, c. 275, s. 59 (5, 6).

Age of
person
operating
elevators.

(7) No person under the age of eighteen years shall be allowed to regularly operate or control an elevator in a factory, shop, bakeshop, restaurant, or office building. 1929, c. 72, s. 8.

Fire Prevention and Protection.

Prevention
and pro-
tection from
fire as re-
quired by
inspector
under
regulations.

60.—(1) In every factory, shop, restaurant or office building there shall be such means of prevention and protection from fire and of extinguishing fire as the inspector, acting under the regulations, directs in writing.

Main doors
to open out-
wardly.

(2) In every factory and office building and in every shop or restaurant in which more than fifteen persons are employed at any time during the year the main inside and outside doors for the use of employees shall open outwardly, and any door leading to or being the principal or main entrance for employees or leading to any tower stairway or fire escape shall not be bolted, barred or locked at any time during the ordinary and usual working hours.

Fire escape
appliances.

(3) The owner of every factory, shop, restaurant or office building over two storeys in height, and where deemed necessary by the inspector, the owner of every factory, shop or office

building over one storey in height, shall provide one or more systems of fire escapes and shall keep the same in good repair and to the satisfaction of the Chief Inspector, as follows,—

- (a) a sufficient number of tower stairways with iron door-ways within reach of or having easy communication with all the working rooms; Tower stairways and iron doorways.
 - (b) a sufficient number of iron or other unflammable fire escapes on the outside of the building consisting of stairways with railing or, if the approval of the inspector is given in writing, then of iron ladders; and every such stairway or ladder shall be connected with the interior of the building by iron or tinned doors or windows with iron shutters, and shall have suitable landings at every storey, including the attic if the attic is occupied as a workroom, and the stairways shall start at a distance of not more than eight feet from the ground or pavement. R.S.O. 1927, c. 275, s. 60 (1-3). Iron or unflammable fire escapes.
- (4) No outside fire escape shall extend above the fifth floor of any factory, shop, restaurant or office building, and the ground floor shall be considered the first floor. *New.* Extent of outside fire escapes.
- (5) The Lieutenant-Governor in Council may make regulations for the more effectual carrying out of the provisions of this section and for the adoption of any system of fire escape in substitution for those above mentioned. R.S.O. 1927, c. 275, s. 60 (4). Regulations.
- (6) The owner or proprietor of any factory, shop, restaurant or office building refusing or neglecting to provide the means of safe exit in case of fire prescribed in this section, or by the regulations made thereunder, shall incur a penalty of not less than \$20 nor more than \$200 and in default of immediate payment of the same shall be liable to imprisonment for a period of not more than twelve months. R.S.O. 1927, c. 275, s. 60 (5); *amended.* Penalty for contravention.
- (7) A factory, shop, restaurant or office building in which a contravention of this section, or of any regulation made thereunder occurs, shall be deemed to be kept so that the safety of persons employed therein is endangered. R.S.O. 1927, c. 275, s. 60 (6). Contravention.

Notice of Accidents, Explosions and Deaths.

61. Where a fire or accident in any factory, shop, bakeshop, restaurant or office building occasions any bodily injury to any Notice of accident to be given to inspector.

person employed therein whereby he is prevented from working for more than six days next after the fire or accident, a notice in the prescribed form shall be sent to the Chief Inspector by the employer forthwith after the expiration of such six days, and if such notice is not so sent the employer shall incur a penalty of not less than \$10 nor more than \$30. R.S.O. 1927, c. 275, s. 61; *amended*.

Notice of explosion.

62. Where an explosion occurs in a factory, shop, bakeshop, restaurant or office building, whether any person is injured thereby or not, the fact of such explosion having occurred shall be reported to the Chief Inspector in writing by the employer in the prescribed form within twenty-four hours next after the explosion takes place, and if such notice is not so sent the employer shall incur a penalty of not less than \$10 nor more than \$30. R.S.O. 1927, c. 275, s. 62; *amended*.

Notification of death or fatal injury.

63. Where in a factory, shop, bakeshop, restaurant or office building any person is killed from any cause, or is injured from any cause in a manner likely to prove fatal, written notice of the accident in the prescribed form shall be sent to the Chief Inspector within twenty-four hours after the occurrence thereof and if such notice is not so sent the employer shall incur a penalty of not less than \$10 nor more than \$30. R.S.O. 1927, c. 275, s. 63; *amended*.

Bakeshops.

Construction, lighting, heating, ventilation and drainage of bakeshops.

64. Every bakeshop shall be constructed and maintained as to lighting, heating, ventilation and drainage in such a manner as not to be dangerous or injurious to the health of any person working therein, and shall be kept at all times in a clean and sanitary condition, and so as to secure the manufacture and preservation of all food products and materials therein in a good and wholesome condition. R.S.O. 1927, c. 275, s. 64.

Washroom, towels, soap and closet.

65.—(1) Every bakeshop which is not within the provisions of this Part relating to factories or shops shall be provided with a proper washroom and a sufficient supply of clean towels and soap, and a closet and other conveniences for the health and comfort of the persons employed therein.

Situation of washrooms and closet.

(2) The washroom, closets and other conveniences shall be separate from the bakeshop and shall be kept clean and in a sanitary condition. R.S.O. 1927, c. 275, s. 65.

No bakeshop to be in basement.

66.—(1) No bakeshop shall be kept in any basement or in any part of a building which is below the level of the street or road upon which the bakeshop is situate.

(2) This section shall not apply to any bakeshop established before the 6th day of May, 1913. R.S.O. 1927, c. 275, s. 66. Application.

67. The sleeping places of the employees of every bakeshop shall be separate from the bakeshop, and no person shall sleep in a bakeshop. R.S.O. 1927, c. 275, s. 67. Sleeping places to be separate.

68. Subsection 5 of section 43 and section 71 shall apply to every bakeshop whether the same is or is not a factory or shop within the provisions of this Part relating to factories and shops. R.S.O. 1927, c. 275, s. 68. Health and hours of labour.

69. Every bakeshop, not being a factory or shop to which section 60 applies, shall be provided with proper means and facilities of escape in case of fire to the satisfaction of the inspector. R.S.O. 1927, c. 275, s. 69. Fire escapes.

70. No person shall sell, expose or offer for sale bread or buns manufactured out of Ontario without the written permission of an inspector. R.S.O. 1927, c. 275, s. 70. Sale of bread, etc., manufactured out of Ontario.

71. Except with the written permission of the inspector no person shall require, permit or suffer any adult male employee in any bakeshop to work on Sunday, nor for more than twelve hours in any twenty-four hours, computed from the time when the employee commences to work, nor more than sixty hours in any one week, and a copy of such permission shall be posted up in a conspicuous place in the bakeshop. R.S.O. 1927, c. 275, s. 71. No person to work on Sunday or more than 12 hours except with inspector's permission

OFFENCES AND PENALTIES.

72.—(1) No person shall keep a factory, shop, bakeshop, restaurant or office building so that the safety of persons employed therein is endangered, or so that the health of the persons employed therein is likely to be injured, and every person who so keeps a factory, shop, bakeshop, restaurant or office building shall incur a penalty of not less than \$20 nor more than \$200 or may be imprisoned in the common gaol of the county within which the offence was committed for a period of not more than twelve months. Premises dangerous to health or safety. Penalty.

(2) The enumeration in this Part of cases in which it is declared that where an act or omission occurs a factory, shop, bakeshop, restaurant or office building shall be deemed to be kept so that the safety of the persons employed therein is endangered shall not restrict or limit the generality of the provisions of subsection 1. R.S.O. 1927, c. 275, s. 73; *amended*. Enumeration not to affect generality.

73. Every person who wilfully makes a false entry in any register, notice, certificate or document required by this Part False entries, etc.

or the regulations made under this Part, to be kept or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall incur a penalty of not less than \$50 nor more than \$300 and in default of immediate payment of such penalty shall be liable to imprisonment for a period not exceeding six months. R.S.O. 1927, c. 275, s. 74; *amended*.

Penalty.

Parents
liable to
penalty.

74. The parent of any youth or young girl employed in contravention of this Part, unless such employment is without the consent, connivance or wilful default of such parent shall for each offence incur a penalty of not less than \$10 nor more than \$50. R.S.O. 1927, c. 275, s. 75.

Penalty
for contra-
vention of
Act where no
express
penalty
provided.

75. If any of the provisions of this Part, or of the regulations, or any directions of the inspector are contravened and no other penalty is herein provided for such contravention the offender shall incur a penalty of not less than \$10 nor more than \$50. R.S.O. 1927, c. 275, s. 76.

Onus of
proof as to
age.

76. Where a youth or young girl is, in the opinion of the police magistrate or justice, apparently of the age alleged by the informant it shall lie on the person charged to prove that the youth or young girl is not of that age. R.S.O. 1927, c. 275, s. 77.

Penalty
on person
committing
offence for
which
employer is
liable.

77. Where an offence for which an employer is liable under this Part has in fact been committed by some agent, servant, workman or other person such agent, servant, workman or other person shall also be liable to the same penalty or punishment for such offence as if he were the employer. R.S.O. 1927, c. 275, s. 78.

Power of
employer
to exempt
himself
from fine on
conviction of
the actual
offender.

78. Where the employer is charged with an offence against this Part he shall be entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before the police magistrate or justice at the time appointed for hearing the charge; and if after the commission of the offence has been proved, the employer proves to the satisfaction of the police magistrate or justice that he had used due diligence to enforce the execution of this Part, and that such other person had committed the offence without the knowledge, consent or connivance of the employer such other person may be summarily convicted of such offence and the employer shall be exempt from any penalty or punishment. R.S.O. 1927, c. 275, s. 79.

Inspector
to proceed
against
actual
offender.

79. Where it appears to the satisfaction of the inspector that an employer had used all due diligence to enforce the

execution of this Part, and also by what person an offence against this Part was committed, and that it was committed without the knowledge, consent or connivance of the employer and in contravention of his orders the inspector shall proceed against the person whom he believes to be the actual offender in the first instance and not against the employer, and in case of his conviction the employer shall be exempt from any penalty or punishment. R.S.O. 1927, c. 275, s. 80.

80. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger penalty or punishment than the highest penalty or punishment fixed by this Part for the offence except where,—

Restraint on cumulative fines.

- (a) the repetition of the offence occurs after an information has been laid for the previous offence; or
- (b) the offence is one of employing two or more youths, young girls or women contrary to the provisions of this Part. R.S.O. 1927, c. 275, s. 81.

81.—(1) Save where otherwise provided by this Act all prosecutions under this Part may be brought and heard under *The Summary Convictions Act*. R.S.O. 1927, c. 275, s. 83 (1); *amended*.

Prosecutions and procedure.
Rev. Stat., c. 121.

(2) The information shall be laid within two months, or where the offence is punishable at discretion, by imprisonment within three months, after the offence has come to the knowledge of the inspector, or where the inspector has given notice to the offender to remedy the matter which is alleged to be an offence against this Part, within three months after the expiry of the time given by the notice to remedy the same. R.S.O. 1927, c. 275, s. 83 (2).

Limitation of prosecutions.

(3) It shall be sufficient to allege that a factory, shop, bake-shop, restaurant or office building is a factory, shop, bakeshop, restaurant or office building within the meaning of this Part. R.S.O. 1927, c. 275, s. 83 (3); *amended*.

Allegation as to factory, shop, bakeshop, restaurant or office building.

(4) It shall be sufficient to state the name of the ostensible employer or the firm name by which the employer is usually known. R.S.O. 1927, c. 275, s. 83 (4).

Statement as to name of employer.

82. Penalties recovered under this Act shall be paid by the convicting magistrate to the inspector or to the Crown Attorney, and shall be paid over by the inspector or the Crown Attorney as the case may be, to the Chief Inspector and accounted for to the Treasurer of Ontario. R.S.O. 1927, c. 275, s. 84.

Payment over of penalties.

Minimum
penalty.

83. Whenever in this Act it is provided that a penalty may be imposed for an offence against this Act and no minimum penalty is prescribed, no less penalty shall be imposed upon conviction of the offence than an amount equivalent to one-tenth of the maximum penalty, and in no case less than \$10. 1929, c. 72, s. 9.

Limitation of
liability in
certain cases.

84. In all cases between employer and employed or their representatives where liability for damages arises by reason of any violation of this Part the liability shall be subject to the limitations contained in *The Workmen's Compensation Act*. R.S.O. 1927, c. 275, s. 85.

Rev. Stat.,
c. 179.

PART II.

MUNICIPAL BY-LAWS AS TO CLOSING OF SHOPS.

Inter-
pretation.

85.—(1) In this section and in any by-law passed thereunder:

"Shop."

(a) "Shop" shall mean a building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops; but shall not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house;

"Closed."

(b) "Closed" shall mean not open for the serving of any customer.

Exception as
to customers
entering
before clos-
ing hour.

(2) Nothing in this section or in any by-law passed under the authority thereof shall render unlawful the continuance in a shop after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, or the serving of such customers during their continuance therein.

By-law
determining
hours of
closing.

(3) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops within the municipality shall be closed, and remain closed on each or any day of the week at and during any time or hours between seven of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day, but no such by-law shall be deemed to apply to the sale of fresh fruit.

Council to
pass by-law
on applica-
tion of
occupiers
of shops.

(4) If an application is presented to such council praying for the passing of a by-law requiring the closing of any class of shops situate within the municipality, and the council is satisfied that such application is signed by not less than

three-fourths in number of the occupiers of shops within the municipality belonging to the class to which such application relates, the council shall, within one month after the presentation of such application, pass a by-law giving effect thereto and requiring all shops within the municipality belonging to the class specified in the application to be closed during the period of the year and at the times and hours mentioned in subsection 3 as are named in the application.

(5) If an application is presented to the council of a city, town or village praying for the passing of a by-law requiring the closing of any class of shops situate within the municipality and the council is satisfied that such application is signed by not less than three-quarters in number of the occupiers of shops within the municipality belonging to the class to which such application relates, the council shall, within one month after the presentation of such application, pass a by-law giving effect thereto and requiring all shops within the municipality belonging to the class specified in the application to be closed and remain closed on one particular day of the week during such time or hours between twelve-thirty o'clock noon and five of the clock of the forenoon of the next following day and during such periods of the year as are named in the application.

Compulsory closing of shops for weekly half-holiday.

(6) If the application is delivered to the clerk of the council it shall be deemed to have been presented to and received by the council.

Presentation of application.

(7) The council of every township shall, with respect to any portion of such township designated in the by-law, have all the rights and powers conferred by this section on the council of a city, town or village, and may pass by-laws which shall apply only to that portion of the township so designated.

Powers of township councils.

(8) The council may by by-law make regulations as to the form of the application and as to the evidence to be produced respecting the proportion of persons signing the same and as to the classification of shops for the purposes of this section, and it shall not be compulsory upon the council to pass such by-law unless and until all such regulations have been duly observed.

Regulations as to form and proof of applications.

(9) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the council passing the by-law may appear best fitted to insure the publicity thereof.

Commencement and publication of by-laws.

Conditions
of repeal.

(10) A council shall not repeal a by-law passed pursuant to subsection 4 except as provided in the next following subsection.

Idem

(11) If at any time it is made to appear to the satisfaction of the council that more than one-third in number of the occupiers of shops to which any by-law passed by the council under the authority of subsection 4 relates, or of any class of such shops, are opposed to the continuance of such by-law the council may repeal the by-law, or may repeal the same in so far as it affects such class; but any such repeal shall not affect the power of the council to thereafter pass another by-law under any of the provisions of this section.

Closing
of shops
in which
several
trades are
carried on.

(12) A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours in which it is by any such by-law required to be closed for the purpose of that one of such trades which is the principal trade carried on in such shop.

Exception
as to sales by
druggists.

(13) A pharmaceutical chemist or druggist shall not, nor shall any occupier of, or person employed in or about a shop in any village or township be liable to any penalty or punishment under any such by-law for supplying medicines, drugs or medical appliances after the hour appointed by such by-law for the closing of shops; but nothing in this subsection shall authorize any person to keep open shop after that hour.

Supplying
articles to
lodgers, etc.

(14) Nothing in any such by-law shall render the occupier of any premises liable to any penalty or punishment for supplying any article to any person lodging in such premises, or for supplying any article required for immediate use by reason of any emergency arising from sickness, ailment or death, or for supplying or selling any article to any person for use on or in or about or with respect to any steamboat or sailing vessel which at the time of such supplying or selling is either within or in the immediate neighbourhood of the municipality in which the premises are situate, or for use by or with respect to any person employed or engaged on or being a passenger on or by any such steamboat or sailing vessel; but nothing in this subsection shall authorize any person to keep open shop after the hour appointed by such by-law for the closing of shops.

Councils
may pass
by-laws con-
taining
different
provisions
for different
localities.

(15) A by-law passed by the council of a township for the closing of all or any class or classes of shops may as to any or all of its terms and provisions, differ from any other by-law

passed by the same council for the closing of all or any class or classes of shops in any other designated part of the same township.

(16) Notwithstanding that the occupiers of any class of shops required to be closed by a by-law passed under the provisions of subsection 4 may not have presented an application for the passing of such by-law, every such by-law shall, nevertheless, be valid and effectual as respects any other, and the occupiers of any other class of shops thereby required to be closed in conformity with any application in that behalf made or presented to the council by the prescribed number of occupiers of such last mentioned class.

By-laws invalid as to one class may be good as to others.

(17) The onus of proving that an application in compliance with subsection 4 was not presented by the prescribed number of the occupiers of any class of shops shall be upon the person asserting that such application was not so presented.

Burden of proof.

(18) Where an offence for which the occupier of a shop is liable under any such by-law to any penalty or punishment has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same penalty or punishment as if he were the occupier.

Agent or servant to be liable to penalty.

(19) Where the occupier of a shop is charged with an offence against any such by-law he shall be entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the court that he has used due diligence to enforce the execution of the provisions of the by-law, and that such other person committed the offence without his knowledge, consent or connivance, such other person may be summarily convicted of such offence and shall be liable to the same penalty or punishment as if he were the occupier, and the occupier shall be exempt from any penalty or punishment.

Power of occupier to exempt himself on conviction of actual offender.

(20) The provisions of *The Municipal Act* as to the penalties which may be imposed for contravention of by-laws and the recovery thereof shall apply to by-laws passed under this section. R.S.O. 1927, c. 275, s. 86.

Municipal Act to apply.
Rev. Stat., c. 233.

86. *The Factory, Shop and Office Building Act*, being chapter 275 of the Revised Statutes of Ontario, 1927, and *The Factory, Shop and Office Building Act, 1929*, being chapter 72 of the Statutes of Ontario, 1929, are hereby repealed.

Repeal.

87. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

BILL

An Act for the Protection of Persons
Employed in Factories, Shops and
Office Buildings.

1st Reading

March 17th, 1932

2nd Reading

March 21st, 1932

3rd Reading

March 25th, 1932

MR. MONTEITH

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Registry Act.

MR. PRICE

No. 125

1932

BILL

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Registry Act, 1932*.

Rev. Stat.,
c. 155, s. 55,
subs. 6
(1931,
c. 23, s. 10,
subs. 3),
amended. **2.**—(1) Subsection 6 of section 55 of *The Registry Act* as enacted by subsection 3 of section 10 of *The Statute Law Amendment Act, 1931*, is amended by,—

- (i) adding at the end of clause *b* the words “notice of which appears in any register, book, document or instrument or on any abstract in the registry office”;
- (ii) inserting after the word “any” in the second line the word “registered,” and by striking out the words “either at law or equity” in the third line of clause *c*;
- (iii) striking out clauses *d* and *e*;
- (iv) striking out the word “registered” in the twenty-fifth line and inserting in lieu thereof the words “tendered for registration” and by inserting after the words “attached thereto” in the twenty-sixth line the words “or endorsed thereon”;

so that the said subsection shall now read as follows:

Instruments
affecting
lands of
deceased
owner not
to be
registered
until
consent of
Provincial
Treasurer
given.

- (6) Subject to the provisions of subsection 4, whether letters probate or letters of administration have or have not been granted, no deed, grant, conveyance, mortgage, assignment of mortgage, discharge of mortgage or other instrument purporting to convey, transfer or assign,—

- (a) any property standing in the name of a deceased person or held in trust for him or in

EXPLANATORY NOTES

The reason for enacting, at the last Session, the amendment to section 55 of *The Registry Act* was to require the consent of the Treasurer to registration of documents affecting property of a deceased person so that such property would not be transferred without payment of succession duty. The changes suggested by this bill are for the purpose of simplifying the procedure.

Section 2.—(1) (i) This will limit the application of clause *b* to a power of appointment notice of which appears in the abstract.

(ii) This likewise limits the beneficial interest to a “registered” beneficial interest.

(iii) These clauses now appear to be unnecessary.

(iv) The first amendment relieves the Registrar of the responsibility of deciding in what cases a consent is requisite; the second provides for endorsing the consent on the document and in future all consents except the general certificate provided for by subsection 7 will be endorsed on the document.

the names of a deceased person and any other person;

- (b) any property over which the deceased person had, at the time of his death a general power of appointment notice of which appears in any register, book, document or instrument or on any abstract in the registry office;
- (c) any property in which the deceased person at the time of his death had any registered beneficial interest whatsoever,

shall be tendered for registration unless the consent in writing of the Treasurer of Ontario is attached thereto or endorsed thereon, and until such consent is given (notwithstanding anything contained in *The Devolution of Estates Act*) any land so conveyed shall not vest in the person beneficially entitled thereto or his assigns or any person claiming under him.

Rev. Stat.,
c. 148.

Rev. Stat.,
c. 155, s. 55,
subs. 8
(1931,
c. 23, s. 10,
subs. 3),
amended.

(2) Subsection 8 of the said section 55 as enacted by subsection 3 of section 10 of *The Statute Law Amendment Act, 1931*, is amended by inserting after the word "therein" in the third line the words "or a description by reference to a registered instrument," so that the subsection shall now read as follows:

Certificate
to contain
description
of lands.

- (8) A certificate to be registered under subsection 7 shall contain a local description of the lands mentioned therein or a description by reference to a registered instrument and registration thereof shall be made by production of the original certificate and deposit of a true copy thereof or of so much thereof as relates to the lands situate in the registry division for which the same is to be registered with an affidavit verifying such copy.

Rev. Stat.,
c. 155, s. 55,
amended.

(3) The said section 55 as amended by subsection 3 of section 10 of *The Statute Law Amendment Act, 1931*, is further amended by adding thereto the following subsections:

Consent
required
only once.

- (10) Notwithstanding anything herein contained, the above consent shall be required only once in connection with the same property in the same estate.

Application
of
subss. 6-10.

- (11) Subsections 6 to 10 inclusive shall not apply where the deceased person died prior to the 1st day of January, 1930.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

(2) This amendment will avoid putting long descriptions of property in the certificate.

(3) This will limit the number of consents required and will render it unnecessary to obtain the consent when dealing with property in an estate where the death occurred previous to 1st January, 1930.

BILL

An Act to amend The Registry Act.

1st Reading

March 18th, 1932

2nd Reading

3rd Reading

MR. PRICE

No. 125

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Registry Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 125

1932

BILL

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Registry Act, 1932*.

Rev. Stat.,
c. 155, s. 55,
subs. 6
(1931,
c. 23, s. 10,
subs. 3),
amended. **2.**—(1) Subsection 6 of section 55 of *The Registry Act* as enacted by subsection 3 of section 10 of *The Statute Law Amendment Act, 1931*, is amended by,—

- (i) adding at the end of clause *b* the words “notice of which appears in any register, book, document or instrument or on any abstract in the registry office”;
- (ii) inserting after the word “any” in the second line the word “registered,” and by striking out the words “either at law or equity” in the third line of clause *c*;
- (iii) striking out clauses *d* and *e*;
- (iv) striking out the word “registered” in the twenty-fifth line and inserting in lieu thereof the words “tendered for registration” and by inserting after the words “attached thereto” in the twenty-sixth line the words “or endorsed thereon”;

so that the said subsection shall now read as follows:

Instruments
affecting
lands of
deceased
owner not
to be
registered
until
consent of
Provincial
Treasurer
given.

- (6) Subject to the provisions of subsection 4, whether letters probate or letters of administration have or have not been granted, no deed, grant, conveyance, mortgage, assignment of mortgage, discharge of mortgage or other instrument purporting to convey, transfer or assign,—

- (a) any property standing in the name of a deceased person or held in trust for him or in

the names of a deceased person and any other person;

- (b) any property over which the deceased person had, at the time of his death a general power of appointment notice of which appears in any register, book, document or instrument or on any abstract in the registry office;
- (c) any property in which the deceased person at the time of his death had any registered beneficial interest whatsoever,

shall be tendered for registration unless the consent in writing of the Treasurer of Ontario is attached thereto or endorsed thereon, and until such consent is given (notwithstanding anything contained in *The Devolution of Estates Act*) any land so conveyed shall not vest in the person beneficially entitled thereto or his assigns or any person claiming under him.

Rev. Stat.,
c. 148.

(2) Subsection 8 of the said section 55 as enacted by subsection 3 of section 10 of *The Statute Law Amendment Act, 1931*, is amended by inserting after the word "therein" in the third line the words "or a description by reference to a registered instrument," so that the subsection shall now read as follows:

Rev. Stat.,
c. 155, s. 55,
subs. 8
(1931,
c. 23, s. 10,
subs. 3),
amended.

- (8) A certificate to be registered under subsection 7 shall contain a local description of the lands mentioned therein or a description by reference to a registered instrument and registration thereof shall be made by production of the original certificate and deposit of a true copy thereof or of so much thereof as relates to the lands situate in the registry division for which the same is to be registered with an affidavit verifying such copy.

Certificate
to contain
description
of lands.

(3) The said section 55 as amended by subsection 3 of section 10 of *The Statute Law Amendment Act, 1931*, is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 155, s. 55,
amended.

- (10) Notwithstanding anything herein contained, the above consent shall be required only once in connection with the same property in the same estate.
- (11) Subsections 6 to 10 inclusive shall not apply where the deceased person died prior to the 1st day of January, 1930.

Consent
required
only once.

Application
of
subs. 6-10.

Rev. Stat.,
c. 155, s. 68a
(1929, c. 43,
s. 8),
amended.

3. Section 68a of *The Registry Act* as enacted by section 8 of *The Registry Act, 1929*, is amended by adding thereto the following subsection:

Striking
out entries
as to
mechanics'
liens.

- (7) Whenever a mechanics lien has been registered as required by *The Mechanics' Lien Act* and a certificate of action has also been registered, and such certificate of action has been partially vacated or discharged, and such order vacating does not affect any portion of the lot other than the portion described in the said vacating order, and the said order or certificate of order partially vacating or discharging the same has been registered for two or more years, the provisions as to striking out shall apply.

Rev. Stat.,
c. 173.

Rev. Stat.,
c. 155, s. 118,
amended.

4. Section 118 of *The Registry Act* is amended by adding thereto the following subsection:

Application
of mortgage
tax to meet
expenses of
office.

- (2) If at any time the receipts of the office are not sufficient to pay the salaries and retiring allowances of the registrar and the members of his staff the same shall be a charge upon and be payable out of the receipts of the corporation under *The Mortgage Tax Act*.

Rev. Stat.,
c. 156.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Registry Act.

1st Reading

March 18th, 1932

2nd Reading

March 21st, 1932

3rd Reading

March 25th, 1932

MR. PRICE

No. 126

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting Collection Agencies.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Collection Agencies.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Collection Agencies Act, 1932.*

Interpretation. **2.** In this Act,—

“Collection agency.” (a) “Collection Agency” shall mean and include an individual, firm or corporation carrying on the business of collecting debts for other persons in consideration of the payment of a commission upon the amount collected or otherwise and not having the head office of such agency in Ontario;

“Pre-scribed.” (b) “Prescribed” shall mean prescribed by this Act;

“Regulations.” (c) “Regulations” shall mean regulations made under the authority of this Act.

Agency must be licensed in Ontario. **3.** A collection agency shall not carry on the business of collecting debts in Ontario personally, by letter or otherwise until such agency has been duly licensed as provided by this Act and the regulations thereunder.

License,—issue of. **4.** A license in the prescribed form may be issued to a collection agency upon the agency furnishing such information as may be required by the regulations.

Penalty for operating without license. **5.** Every collection agency within the meaning of this Act which carries on business in Ontario either by correspondence or by serving written demands, or by making verbal demands upon alleged debtors without the license required by this Act shall be guilty of an offence and incur a penalty of not less than \$50 and not more than \$200.

EXPLANATORY NOTES

Section 2. Interpretation section. The definition of "collection agency" in clause *a* makes the Bill apply only to collection agencies whose head office is out of Ontario.

Section 3. This requires a collection agency whose head office is elsewhere than in Ontario to obtain a license to carry on business in Ontario.

Section 4. This gives the licensing authority power to acquire information as to the methods of a collection agency before issuing a license.

Section 5 prescribes the penalties for carrying on a collection agency without a license.

Penalty for
employing
unlicensed
agency.

6. Every person who employs a collection agency not having the license required by this Act, or causes or procures letters to be sent or verbal demands to be made upon debtors or alleged debtors by a collection agency not having such license shall be guilty of an offence and shall incur a penalty of not less than \$50 and not more than \$200.

Penalty for
employing
unlicensed
agency.

7. Upon complaint that any collection agency is violating any of the regulations made under this Act the license of such agency may be cancelled and notice of such cancellation shall be published forthwith in the *Ontario Gazette*.

Regulations.

8. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the form of license and application therefor under this Act;
- (b) fixing the amount of security, if any, to be given by a collection agency;
- (c) prohibiting the use of any particular method in the collection of debts by collection agencies;
- (d) fixing the date of the license and the period for which it may be granted and the fee to be charged therefor;
- (e) requiring collection agencies to make such returns and furnish such information as may be deemed proper to such officer as may be designated by the regulations;
- (f) prohibiting the bringing of any action for the recovery of a debt in any court of this Province by a collection agency which has not its chief office or place of business in Ontario.

Commence-
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 6 makes it an offence to employ an unlicensed collection agency and prescribes the penalties.

Section 7 provides for the cancellation of a license where it is found that the regulations are being violated.

Section 8 provides for the making of regulations,—

- (a) prescribing the form of license and the application therefor;
- (b) fixing the amount of security, if any, which the licensee must furnish;
- (c) to provide for dealing with certain objectional forms of collection;
- (d) fixing the date of the license and the period for which it may be granted, and fixing the license fee;
- (e) requiring the making of returns by collection agencies;
- (f) prohibiting the bringing of any action in any Ontario court by an agency to which this Act applies.

BILL

An Act respecting Collection Agencies.

1st Reading

March 18th, 1932

2nd Reading

3rd Reading

MR. PRICE

No. 126

3RD SESSION, 18TH LEGISLATURE, ONTARIO
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Short title. **1.** This Act may be cited as *The Collection Agencies Act, 1932*.

Interpretation. **2.** In this Act,—

“Collection agency.” (a) “Collection Agency” shall mean and include an individual, firm or corporation carrying on the business of collecting debts for other persons in consideration of the payment of a commission upon the amount collected or otherwise and not having the head office of such agency in Ontario;

“Prescribed.” (b) “Prescribed” shall mean prescribed by this Act;

“Regulations.” (c) “Regulations” shall mean regulations made under the authority of this Act.

Agency must be licensed in Ontario. **3.** A collection agency shall not carry on the business of collecting debts in Ontario personally, by letter or otherwise until such agency has been duly licensed as provided by this Act and the regulations thereunder.

License,—issue of. **4.** A license in the prescribed form may be issued to a collection agency upon the agency furnishing such information as may be required by the regulations.

Penalty for operating without license. **5.** Every collection agency within the meaning of this Act which carries on business in Ontario either by correspondence or by serving written demands, or by making verbal demands upon alleged debtors without the license required by this Act shall be guilty of an offence and incur a penalty of not less than \$50 and not more than \$200.

6. Every person who employs a collection agency not having the license required by this Act, or causes or procures letters to be sent or verbal demands to be made upon debtors or alleged debtors by a collection agency not having such license shall be guilty of an offence and shall incur a penalty of not less than \$50 and not more than \$200. Penalty for employing unlicensed agency.

7. Upon complaint that any collection agency is violating any of the regulations made under this Act the license of such agency may be cancelled and notice of such cancellation shall be published forthwith in the *Ontario Gazette*. Penalty for employing unlicensed agency.

8.—(1) The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) prescribing the form of license and application therefor under this Act;
- (b) fixing the amount of security, if any, to be given by a collection agency;
- (c) prohibiting the use of any particular method in the collection of debts by collection agencies;
- (d) fixing the date of the license and the period for which it may be granted and the fee to be charged therefor;
- (e) requiring collection agencies to make such returns and furnish such information as may be deemed proper to such officer as may be designated by the regulations;
- (f) prohibiting the bringing of any action for the recovery of a debt in any court of this Province by a collection agency which has not its chief office or place of business in Ontario.

(2) The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. Application of Rev. Stat., c. 121.

9. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act respecting Collection Agencies.

1st Reading

March 18th, 1932

2nd Reading

March 21st, 1932

3rd Reading

March 25th, 1932

MR. PRICE

No. 127

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Transportation of Fowl Act, 1929.

MR. ACRES

No. 127

1932

BILL

An Act to amend The Transportation of Fowl Act, 1929.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Transportation of Fowl Act, 1932*.

1929,
c. 79, s. 4,
amended.

2.—(1) Section 4 of *The Transportation of Fowl Act, 1929*, is amended by striking out the words “under the hand of the warden and countersigned by the clerk under the corporate seal of the county” in the third and fourth lines and inserting in lieu thereof the words “by the clerk of the county,” and by striking out the word “warden” in the seventh line and inserting in lieu thereof the word “clerk,” so that the section shall now read as follows:

Permit
required for
trans-
portation
of fowl.

4. No person shall carry or transport fowl on any highway in Ontario unless he holds a permit for that purpose granted by the clerk of the county in which he resides or carries on business, and where he does not reside or carry on business in any county in Ontario unless he holds such a permit granted by the clerk of that county in Ontario nearest to his place of residence or business.

1929,
c. 79, s. 4,
amended.

(2) The said section 4 is further amended by adding thereto the following subsection:

In unor-
ganized
territory.

(2) In unorganized territory a permit required under this Act shall be granted by the clerk of the municipality in which the person requiring the same resides or carries on business or where he resides or carries on business in territory without municipal organization he may obtain the necessary permit from the clerk of the municipality nearest to his place of residence or business.

EXPLANATORY NOTES

Section 2.—(1) As municipal licenses generally are issued by the clerk of the municipality it is desirable that permits under this Act should be issued by the county clerk to whom applicants ordinarily apply. In many cases where the warden resides at a distance from the county town both he and the applicant are inconvenienced under the present section.

(2) Under the present Act no person in unorganized territory is authorized to issue permits and application to the warden of the nearest county has been necessary. The new subsection provides for the issuing of permits in unorganized territory.

1929,
c. 79, s. 5,
repealed.

3. Section 5 of *The Transportation of Fowl Act, 1929*, is repealed and the following substituted therefor:

Clerk to
issue
permits.

5.—(1) The clerk may grant such permits without the passing of any by-law for that purpose by the council and may revoke any permit granted and shall have the same discretion as to the granting or refusing to grant or the revoking of permits as the council has with reference to licenses under *The Municipal Act*.

Rev. Stat.,
c. 233.

Fee.

(2) The fee for the permit shall be \$1 and shall belong to the county or municipality as the case may be.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 3. The present section 5 provides that the warden may issue permits, subsection 2 providing that the fee shall belong to the county. The changes are necessary in order to correspond with the amendments made to section 4.

BILL

An Act to amend The Transportation of
Fowl Act, 1929

1st Reading

March 18th, 1932

2nd Reading

3rd Reading

MR. ACRES

No. 127

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Transportation of Fowl Act, 1929.

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1932

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Short title. **1.** This Act may be cited as *The Transportation of Fowl Act, 1932*.

1929,
c. 79, s. 4,
amended. **2.**—(1) Section 4 of *The Transportation of Fowl Act, 1929*, is amended by striking out the words "under the hand of the warden and countersigned by the clerk under the corporate seal of the county" in the third and fourth lines and inserting in lieu thereof the words "by the clerk of the county," and by striking out the word "warden" in the seventh line and inserting in lieu thereof the word "clerk," so that the section shall now read as follows:

Permit
required for
trans-
portation
of fowl.

4. No person shall carry or transport fowl on any highway in Ontario unless he holds a permit for that purpose granted by the clerk of the county in which he resides or carries on business, and where he does not reside or carry on business in any county in Ontario unless he holds such a permit granted by the clerk of that county in Ontario nearest to his place of residence or business.

1929,
c. 79, s. 4,
amended.

(2) The said section 4 is further amended by adding thereto the following subsection:

In unor-
ganized
territory.

- (2) In unorganized territory a permit required under this Act shall be granted by the clerk of the municipality in which the person requiring the same resides or carries on business or where he resides or carries on business in territory without municipal organization he may obtain the necessary permit from the clerk of the municipality nearest to his place of residence or business.

3. Section 5 of *The Transportation of Fowl Act, 1929*, is ^{1929, c. 79, s. 5,} repealed and the following substituted therefor: ^{repealed.}

5.—(1) The clerk may grant such permits without the ^{Clerk to} passing of any by-law for that purpose by the council ^{issue} and may revoke any permit granted and shall have ^{permits.} the same discretion as to the granting or refusing to grant or the revoking of permits as the council has with reference to licenses under *The Municipal Act*. ^{Rev. Stat., c. 233.}

(2) The fee for the permit shall be \$1 and shall belong ^{Fee.} to the county or municipality as the case may be.

4. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent. ^{ment of Act.}

BILL

An Act to amend The Transportation of
Fowl Act, 1929

1st Reading

March 18th, 1932

2nd Reading

March 21st, 1932

3rd Reading

March 25th, 1932

MR. ACRES

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Corporations Tax Act.

MR. DUNLOP

No. 128

1932

BILL

An Act to amend The Corporations Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Corporations Tax Act, 1932*.

Rev. Stat.,
c. 29, s. 3,
subs. 2, cl. b,
amended.

2. The clause lettered *b* in subsection 2 of section 3 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Banks.

(b) An additional tax of \$3,000 for principal office in Ontario and \$200 for each additional office, branch or agency in Ontario.

Rev. Stat.,
c. 29, s. 3,
subs. 3, cl. a,
repealed.

3. The clause lettered *a* in subsection 3 of the said section 3 is repealed and the following substituted therefor:

Insurance
companies.

- (a) (i) Every life insurance company shall pay a tax of one and three-quarters per centum on all gross premiums received by the company or its agent or agents in respect of the business transacted in Ontario less cash value of dividends to policyholders.
- (ii) Every fire insurance company shall pay tax of one and two-thirds per centum calculated on the gross premiums received by the company or its agent or agents in respect of the business transacted in Ontario.
- (iii) Every other insurance company shall pay a tax of two per centum calculated on the gross premiums received by the company or its agent or agents in respect of the business transacted in Ontario.

EXPLANATORY NOTES

Section 2. Increases the tax on banks from \$100 to \$200 on branch offices.

Section 3. Increases the tax on life insurance companies from $1\frac{1}{4}$ per cent. on premium income, to $1\frac{3}{4}$ per cent. on premium income, and on fire insurance companies from 1 per cent., to $1\frac{2}{3}$ per cent. and on all other companies from 1 per cent. to 2 per cent.

Rev. Stat.,
c. 29, s. 3,
subs. 4, cl. a,
amended.

4. The clause lettered *a* in subsection 4 of the said section 3 is amended by striking out the word "twenty-fifth" in the second and third lines and inserting in lieu thereof the word "twentieth" so that the said clause shall now read as follows:

Loan
companies.

(a) A company with fixed or permanent paid-up capital one-twentieth of one per centum on the paid-up capital thereof, and one-twentieth of one per centum of all moneys invested in Ontario by such company, excluding the company's office premises and cash in bank, but in no case less than \$100.

Rev. Stat.,
c. 29, s. 3,
subs. 10,
amended.

5. Subsection 10 of the said section 3 is amended by striking out the words "one-fifth of" in the third line so that the said subsection shall now read as follows:

Telegraph
companies.

(10) Every company, owning, operating or using a line or a part of a line of telegraph within Ontario for gain shall pay a tax of one per centum upon the total amount of money invested by the company on such line or part thereof or the works and plant connected therewith; provided that a company owning and a company operating or using any such line or part thereof shall be jointly and severally liable for the payment of the said tax, but the total amount payable in respect of any such line or part of line shall not exceed the amount above mentioned notwithstanding that the line or part thereof is owned, operated or used by more than one company.

Rev. Stat.,
c. 29,
s. 3, subs. 11,
(1928, c. 21,
s. 1, subs. 2),
amended.

6. Subsection 11 of the said section 3 as re-enacted by subsection 2 of section 1 of *The Statute Law Amendment Act, 1928*, is amended by striking out the word "one-quarter" in the fourth line and inserting in lieu thereof the word "three-eighths," so that the said subsection shall now read as follows:

Telephone
companies.

(11) Every company, owning, operating or using a telephone line or part thereof in Ontario for gain and having a paid-up capital of \$100,000 or over shall pay a tax of three-eighths of one per centum upon the paid-up capital thereof.

Rev. Stat.,
c. 29, s. 3,
subs. 12,
amended.

7. Subsection 12 of the said section 3 is amended by adding thereto the following clause:

Gas and
electric
companies.

(d) In this subsection a gas company shall include a natural gas company.

Section 4. Increases the tax on loan companies from $\frac{1}{25}$ of 1 per cent. on paid-up capital and $\frac{1}{25}$ of 1 per cent. on money invested in Ontario, to $\frac{1}{20}$ of 1 per cent.

Section 5. Increases the tax on telegraph companies from $\frac{1}{5}$ of 1 per cent. on moneys invested in Ontario, to 1 per cent. on moneys invested in Ontario. This applies only to commercial lines.

Section 6. Increases the tax on telephone companies from $\frac{1}{4}$ of 1 per cent. on paid-up capital, to $\frac{3}{8}$ of 1 per cent.

Section 7. The department has ruled that natural gas companies are included in the tax on gas companies and this change is in line with departmental ruling and to avoid possible litigation.

Rev. Stat.,
c. 29, s. 3,
subs. 13,
amended.

8. Subsection 13 of the said section 3 is amended by adding at the end thereof the words "but in no case more than \$10,000," so that the said subsection shall now read as follows:

Express
companies.

- (13) Every company, including a railway carrying on the business of an express company over a railway in Ontario, shall pay a tax of \$800 for each one hundred miles or fraction thereof but in no case more than \$10,000.

Rev. Stat.,
c. 29, s. 3,
subs. 15,
amended.

9. Subsection 15 of the said section 3 is amended by striking out the word "one" in the eighth line and inserting in lieu thereof the word "two."

Race tracks.

Rev. Stat.,
c. 29, subss.
23 and 23a,
(1931, c. 9,
s. 2, subs. 2),
repealed.

10. Subsections 23 and 23a of the said section 3 as enacted by subsection 2 of section 2 of *The Corporations Tax Act*, 1931, are repealed and the following substituted therefor:

Incorporated
companies.

- (23) (a) Save as in this subsection otherwise provided every incorporated company having an office in Ontario or transacting business in Ontario in its own name or through an agent shall pay a tax of one-tenth of one per centum upon the paid-up capital thereof.
- (b) Provided that, where all of part of the business of a company is investment and reinvestment in shares, bonds and obligations of other companies or any government, municipal or school corporation, a deduction shall be allowed from the paid-up capital in the same proportion as such investments bear to the total assets of the company.
- (c) Provided further, that the tax imposed by this subsection shall not apply,—
- (i) to any mine, plant, or works the profits of which are liable to taxation under *The Mining Tax Act*;
 - (ii) to any milling, smelting, refining or reduction plant owned by the owner of the mine and used for processing of such mine's ores unless and until such mine is assessed for a tax under *The Mining Tax Act*;
 - (iii) to any capital *bona fide* held or used in the survey for exploration of and development of

Section 8. Express companies for a number of years past have been operating at a great loss. This will reduce the tax on the Canadian National and Canadian Pacific Railway Express.

Section 9. This is done for the benefit of Canadian horse breeders by increasing the rebate on daily tax, such rebate being based on the amount of purses given for Canadian bred races.

Section 10. This combines subsections 23 and 23*a* as enacted by subsection 2 of section 2 of *The Corporations Tax Act, 1931*. There is no change in the rate or incidence of the tax, but the exemptions instead of being provided for in this section will be provided for by order-in-council under section 13 of this Act.

gold, silver, copper, nickel or other precious or semi-precious metals;

- (iv) to corporations paying tax under subsection 12 of this section upon their entire capital except as to any portion of capital not so taxed under the said subsection;
- (v) to corporations paying taxes under subsections 2, 3, 4, 5, 6, 8, 10, 11, 13, 14, 15 or 22 of this section.
- (d) In this subsection the words "paid-up capital" shall mean and include the paid-up capital of the company, its surplus and reserve funds (except a proper reserve for depreciation) and all sums or credits advanced or loaned to the company by any other company.
- (24) (a) Save as in this subsection otherwise provided every incorporated company having an office in Ontario or transacting business in Ontario in its own name or through an agent shall pay a tax of \$50 for each office or place of business in Ontario.
- (b) Provided that the combined tax payable under this subsection and under subsection 23 by a company having a paid-up capital of less than \$60,000 shall in no case be less than \$20 and subject to such minimum tax shall not exceed in all one-fifth of one per centum of the paid-up capital as defined in subsection 23.
- (c) Provided further that the provisions of this subsection shall not apply to corporations paying taxes under subsections 2, 3, 6, 8, 10, 11, 13, 14, 15 or 22 of this section.

Rev. Stat.,
c. 29,
amended.

11. *The Corporations Tax Act* is amended by adding thereto the following section:

Tax on net
revenue.

- 3a. In addition to the taxes specified in section 3 every incorporated company shall pay a tax of one per centum calculated on the net revenue of the company without deducting therefrom any charge or reserve for dividends on paid-up capital or any charge of a similar nature and also without deducting therefrom any reserve for capital account.

Provided that the provisions of this section shall not apply to corporations paying taxes under subsections 2, 3, 4, 5, 6, 8, 11, 13, 14 or 15 of section 3.

This new subsection 24 imposes a new tax of \$50 upon each place of business of every incorporated company doing business in Ontario.

Where the capital of a company is less than \$60,000, provision is made for a minimum tax of \$20 and a maximum tax on both capital and offices not to exceed 1/5 of 1 per cent. of the capital.

Section 11. This imposes a tax of 1 per cent. on the net revenue of incorporated companies in Ontario. Such net revenue to be returned on the same basis as used for Dominion income tax purposes.

Provided further that the provisions of this section shall not apply to electric companies paying tax under subsection 12 of section 3.

Rev. Stat.,
c. 29, s. 12,
(1930,
c. 6, s. 4),
repealed.

12. Section 12 of *The Corporations Tax Act* as amended by section 4 of *The Corporations Tax Act, 1930*, is repealed and the following substituted therefor:

Stock
transfer tax.

12. There shall be levied a tax of three cents payable by the transferor in money or stamps, for every \$100 or fraction thereof of the par value upon every change of ownership consequent upon the sale, transfer or assignment of any share of stock of any association, company or corporation or any bond, debenture or debenture stock (other than a bond debenture or stock of the Dominion of Canada or of any province of Canada), made or carried into effect in Ontario, except where the shares or certificates are issued without designated monetary value in which case the tax shall be three cents for every one hundred dollars or fraction thereof of the market value of such shares; but the first delivery by the corporation or company of such shares, bonds, or debenture stock, in order to effect an issue shall not be subject to the tax imposed by this section.

Rev. Stat.,
c. 29, s. 18,
repealed.

13. Section 18 of *The Corporations Tax Act* is repealed and the following substituted therefor:

18. The Lieutenant-Governor in Council may make regulations,—
- (a) specially authorizing officials of the Treasury Department to administer declarations or affidavits in connection with returns filed under this Act, but any person so specially authorized shall not charge any fee therefor;
 - (b) for allocating the taxable capital or net revenue of companies transacting business in Ontario and other Provinces or foreign countries;
 - (c) for prescribing form of returns as may be deemed necessary for the purpose of carrying out the provisions of this Act;
 - (d) for allocating a portion of capital or net revenue of companies or corporations to provide for impairment or depletion;

Section 12. Extends the provisions of the stock transfer tax to bonds.

Section 13. Authorizes the Lieutenant-Governor in Council to make regulations for the purpose of carrying out the provisions of the Act.

(e) exempting in whole or in part any class or classes of business or any corporation in liquidation or in the hands of the receiver, or any company incorporated for drainage, agriculture, colonization, religious, charitable, philanthropic, social, or educational purposes.

(f) generally for the better carrying out of the provisions of this Act.

Commence-
ment of Act.

14. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of January, 1932.

Section 14. All taxes under *The Corporations Tax Act* are based upon the status of the company on the 31st of December last, consequently it is necessary that the Act shall have effect as from the 1st day of January, 1932.

BILL

An Act to amend The Corporations
Tax Act.

1st Reading

March 18th, 1932

2nd Reading

3rd Reading

MR. DUNLOP

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Corporations Tax Act.

MR. DUNLOP

No. 128

1932

BILL

An Act to amend The Corporations Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Corporations Tax Act, 1932*.

Rev. Stat.,
c. 29, s. 3,
subs. 2, cl. b, *The Corporations Tax Act* is repealed and the following
repealed. 2.—(1) The clause lettered *b* in subsection 2 of section 3 of
substituted therefor:

Banks. (b) An additional tax of \$3,000 for principal office in Ontario and \$200 for each additional office, branch or agency in Ontario.

Rev. Stat.,
c. 29, s. 3,
subs. 3, cl. a, is repealed and the following substituted therefor:

(2) The clause lettered *a* in subsection 3 of the said section³

Insurance companies. (a) (i) Every life insurance company shall pay a tax of one and three-quarters per centum on all gross premiums received by the company or its agent or agents in respect of the business transacted in Ontario less cash value of dividends to policy-holders.

(ii) Every fire insurance company shall pay a tax of one and two-thirds per centum calculated on the gross premiums received by the company or its agent or agents in respect of the business transacted in Ontario.

(iii) Every other insurance company shall pay a tax of two per centum calculated on the gross premiums received by the company or its agent or agents in respect of the business transacted in Ontario.

(3) The clause lettered *a* in subsection 4 of the said section 3 is amended by striking out the word "twenty-fifth" in the second and third lines and inserting in lieu thereof the word "twentieth" so that the said clause shall now read as follows:

Rev. Stat.,
c. 29, s. 3,
subs. 4, cl. a,
amended.

(a) A company with fixed or permanent paid-up capital one-twentieth of one per centum on the paid-up capital thereof, and one-twentieth of one per centum of all moneys invested in Ontario by such company, excluding the company's office premises and cash in bank, but in no case less than \$100.

Loan
companies.

(4) Subsection 10 of the said section 3 is amended by striking out the words "one-fifth of" in the third line so that the said subsection shall now read as follows:

Rev. Stat.,
c. 29, s. 3,
subs. 10,
amended.

(10) Every company, owning, operating or using a line or a part of a line of telegraph within Ontario for gain shall pay a tax of one per centum upon the total amount of money invested by the company on such line or part thereof or the works and plant connected therewith; provided that a company owning and a company operating or using any such line or part thereof shall be jointly and severally liable for the payment of the said tax, but the total amount payable in respect of any such line or part of line shall not exceed the amount above mentioned notwithstanding that the line or part thereof is owned, operated or used by more than one company.

Telegraph
companies.

(5) Subsection 11 of the said section 3 as re-enacted by subsection 2 of section 1 of *The Statute Law Amendment Act, 1928*, is amended by striking out the word "one-quarter" in the fourth line and inserting in lieu thereof the word "three-eighths," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 29,
s. 3, subs. 11,
(1928, c. 21,
s. 1, subs. 2),
amended.

(11) Every company, owning, operating or using a telephone line or part thereof in Ontario for gain and having a paid-up capital of \$100,000 or over shall pay a tax of three-eighths of one per centum upon the paid-up capital thereof.

Telephone
companies.

(6) Subsection 12 of the said section 3 is amended by adding thereto the following clause:

Rev. Stat.,
c. 29, s. 3,
subs. 12,
amended.

(d) In this subsection a gas company shall include a natural gas company.

Gas and
electric
companies.

Rev. Stat.,
c. 29, s. 3,
subs. 13,
amended.

(7) Subsection 13 of the said section 3 is amended by adding at the end thereof the words "but in no case more than \$10,000," so that the said subsection shall now read as follows:

Express
companies.

(13) Every company, including a railway company carrying on the business of an express company over a railway in Ontario, shall pay a tax of \$800 for each one hundred miles or fraction thereof but in no case more than \$10,000.

Rev. Stat.,
c. 29, s. 3,
subs. 15,
amended.

(8) Subsection 15 of the said section 3 is amended by striking out the word "one" in the eighth line and inserting in lieu thereof the word "two."

Race tracks.

Rev. Stat.,
c. 29, subss.
23 and 23a,
(1931, c. 9,
s. 2, subs. 2)
repealed.

(9) Subsections 23 and 23a of the said section 3 as enacted by subsection 2 of section 2 of *The Corporations Tax Act, 1931*, are repealed and the following substituted therefor:

Incorporated
companies.

(23) (a) Save as in this subsection otherwise provided every incorporated company having an office in Ontario or transacting business in Ontario in its own name or through an agent shall pay a tax of one-tenth of one per centum upon the paid-up capital thereof.

(b) Provided that, where all or part of the business of a company is investment and reinvestment in shares, bonds and obligations of other companies or any government, municipal or school corporation, a deduction shall be allowed from the paid-up capital in the same proportion as such investments bear to the total assets of the company.

(c) Provided further, that the tax imposed by this subsection shall not apply,—

(i) to any mine, plant, or works the profits of which are liable to taxation under *The Mining Tax Act*;

(ii) to any milling, smelting, refining or reduction plant owned by the owner of the mine and used for processing of such mine's ores unless and until such mine is assessed for a tax under *The Mining Tax Act*;

(iii) to any capital *bona fide* held or used in the survey for exploration and development of

gold, silver, copper, nickel or other precious or semi-precious metals;

- (iv) to corporations paying tax under subsection 12 of this section upon their entire capital except as to any portion of capital not so taxed under the said subsection;
- (v) to corporations paying taxes under subsections 2, 3, 4, 5, 6, 8, 10, 11, 13, 14, 15 or 22 of this section.
- (d) In this subsection the words "paid-up capital" shall mean and include the paid-up capital of the company, its surplus and reserve funds (except a proper reserve for depreciation) and all sums or credits advanced or loaned to the company by any other company.
- (24) (a) Save as in this subsection otherwise provided every incorporated company having an office in Ontario or transacting business in Ontario in its own name or through an agent shall pay a tax of \$50 for each office or place of business in Ontario.
- (b) Provided that the combined tax payable under this subsection and under subsection 23 by a company having a paid-up capital of less than \$60,000 shall in no case be less than \$20 and subject to such minimum tax shall not exceed in all one-fifth of one per centum of the paid-up capital as defined in subsection 23.
- (c) Provided further that the provisions of this subsection shall not apply to corporations paying taxes under subsections 2, 3, 6, 8, 10, 11, 13, 14, 15 or 22 of this section.

3. The Corporations Tax Act is amended by adding thereto the following section: Rev. Stat.,
c. 29,
amended.

- 3a. In addition to the taxes specified in section 3 every incorporated company shall pay a tax of one per centum calculated on the net revenue of the company without deducting therefrom any charge or reserve for dividends on paid-up capital or any charge of a similar nature and also without deducting therefrom any reserve for capital account. Tax on net
revenue.

Provided that the provisions of this section shall not apply to corporations paying taxes under subsections 2, 3, 4, 5, 6, 8, 11, 13, 14 or 15 of section 3.

Provided further that the provisions of this section shall not apply to electric companies paying a tax under subsection 12 of section 3.

Rev. Stat.,
c. 29, s. 12,
(1930,
c. 6, s. 4),
repealed.

4. Section 12 of *The Corporations Tax Act* as amended by section 4 of *The Corporations Tax Act, 1930*, is repealed and the following substituted therefor:

Stock
transfer tax.

12. There shall be levied a tax of three cents payable by the transferor in money or stamps, for every \$100 or fraction thereof of the par value upon every change of ownership consequent upon the sale, transfer or assignment of any share of stock of any association, company or corporation or any bond, debenture or debenture stock (other than a bond, debenture or stock of the Dominion of Canada or of any province of Canada), made or carried into effect in Ontario, except where the shares or certificates are issued without designated monetary value in which case the tax shall be three cents for every one hundred dollars or fraction thereof of the market value of such shares; but the first delivery by the corporation or company of such shares, bonds, or debenture stock, in order to effect an issue shall not be subject to the tax imposed by this section.

Rev. Stat.,
c. 29, s. 18,
repealed.

5. Section 18 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Regulations.

18. The Lieutenant-Governor in Council may make regulations,—

- (a) specially authorizing officials of the Treasury Department to administer declarations or affidavits in connection with returns filed under this Act, but any person so specially authorized shall not charge any fee therefor;
- (b) for allocating the taxable capital or net revenue of companies transacting business in Ontario and other Provinces or foreign countries;
- (c) for prescribing forms of returns as may be deemed necessary for the purpose of carrying out the provisions of this Act;
- (d) for allocating a portion of capital or net revenue of companies or corporations to provide for impairment or depletion;

(e) exempting in whole or in part any class or classes of business, any corporation in liquidation or in the hands of the receiver, and any company incorporated for drainage, agriculture, colonization, religious, charitable, philanthropic, social, or educational purposes.

(f) generally for the better carrying out of the provisions of this Act.

6. *The Corporations Tax Act* is amended by adding thereto the following section: Rev. Stat., c. 29, amended.

25.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act. Secrecy.

(2) Any person violating any of the provisions of this section shall be liable on summary conviction to a penalty not exceeding \$200. Penalty.

7. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of January, 1932. Commencement of Act.

BILL

An Act to amend The Corporations
Tax Act.

1st Reading

March 18th, 1932

2nd Reading

March 22nd, 1932

3rd Reading

March 25th, 1932

MR. DUNLOP

No. 129

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

The Power Commission Act, 1932.

MR. COOKE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 129

1932

BILL

The Power Commission Act, 1932.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Power Commission Act, 1932*.

By-laws confirmed.

2. By-law number 1244 of the corporation of the town of Bowmanville; by-law number 1467 of the corporation of the town of Cobourg; by-law number 1619 of the corporation of the town of Trenton; by-law number 1462 of the corporation of the town of Walkerton; by-law number 306 of the corporation of the town of Wiarton; by-law number 2 of 1931 of the corporation of the village of Bath; by-law number 779 of the corporation of the village of Port Elgin; by-law number 40 of the corporation of the village of Rosseau; by-law number 704 of the corporation of the village of Streetsville; by-law number 181 of the corporation of the village of Westport; by-law number 45 of the corporation of the village of Windermere; by-law number 1628 of the corporation of the township of North York; and all debentures issued or to be issued or purporting to be issued under any of the said by-laws which authorize the issue of debentures are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof respectively and shall not be open to question upon any ground whatsoever notwithstanding the requirements of *The Power Commission Act* or the amendments thereto or any other general or special Act of this Legislature.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

The Power Commission Act, 1932

1st Reading

March 18th, 1932

2nd Reading

3rd Reading

MR. COOKE

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

The Power Commission Act, 1932.

MR. COOKE

No. 129

1932

BILL

The Power Commission Act, 1932.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Power Commission Act, 1932.*

By-laws confirmed. **2.** By-law number 1244 of the corporation of the town of Bowmanville; by-law number 1467 of the corporation of the town of Cobourg; by-law number 1619 of the corporation of the town of Trenton; by-law number 1462 of the corporation of the town of Walkerton; by-law number 306 of the corporation of the town of Wiarton; by-law number 2 of 1931 of the corporation of the village of Bath; by-law number 779 of the corporation of the village of Port Elgin; by-law number 40 of the corporation of the village of Rosseau; by-law number 704 of the corporation of the village of Streetsville; by-law number 181 of the corporation of the village of Westport; by-law number 45 of the corporation of the village of Windermere; by-law number 1628 of the corporation of the township of North York; and all debentures issued or to be issued or purporting to be issued under any of the said by-laws which authorize the issue of debentures are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof respectively and shall not be open to question upon any ground whatsoever notwithstanding the requirements of *The Power Commission Act* or the amendments thereto or any other general or special Act of this Legislature.

Rev. Stat.,
c. 57.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

The Power Commission Act, 1932

1st Reading

March 18th, 1932

2nd Reading

March 23rd, 1932

3rd Reading

March 25th, 1932

MR. COOKE

No. 130

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

The Statute Law Amendment Act, 1932.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 130

1932

BILL

The Statute Law Amendment Act, 1932.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 7, s. 4,
subs. 10
amended.

1.—(1) Subsection 10 of section 4 of *The Voters' Lists Act* is amended by inserting after the word "Act" in the fourth line the words "or by reason of being a farmer's daughter" so that the subsection shall now read as follows:

Entering
name of
husband or
wife of
person
rated.

(10) In the case of a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by *The Municipal Act*, or by reason of being a farmer's daughter, the clerk shall opposite the name of such person, in the proper column, insert the letters "M.F.N.C." meaning that such person is entitled to vote at municipal elections, but is not to be counted for the purpose of determining representation in the county council.

Rev. Stat.,
c. 7, s. 4,
subs. 12,
repealed.

(2) Subsection 12 of the said section 4 is repealed and the following substituted therefor:

Farmer's
son and
farmer's
daughter.

(12) In the case of a person being a farmer's son or a farmer's daughter, the clerk shall insert opposite the name, in the proper column, the words "Farmer's Son" or "Farmer's Daughter" or the letters "F.S." or "F.D." as the case may be.

Rev. Stat.,
c. 8, s. 3,
subs. 1,
cl. a,
repealed.

2. The clause lettered *a* in subsection 1 of section 3 of *The Election Act* is repealed and the following substituted therefor:

(a) In the County of York the board shall be composed of the judges of the county court.

Rev. Stat.,
c. 16,
amended.

3. *The Public Service Act* is amended by adding thereto the following section:

EXPLANATORY NOTES

Section 1. The purpose of this amendment is to make *The Voters' Lists Act* correspond with the changes made in 1931 to *The Municipal Act* and *The Assessment Act* when the franchise was extended to farmers' daughters, and to provide that they shall not be included for the purpose of determining representation in the county council.

Section 2. There are now eight judges in the County of York and it is proposed to add the two additional judges to the board. It is very desirable that the judges should preside over the revision of the lists as far as possible. The present clause provides that the board shall be composed of "the six judges of the county court."

Section 3. Allowances made to civil servants under the superannuation provisions of *The Public Service Act* are not liable to assessment or taxation and it is only proper that moneys which are paid back to them upon retirement from the service without superannuation, or to their representatives at death, should also be free from taxation.

65. Money repaid to a civil servant upon his resigning or otherwise leaving the civil service, or to his widow, shall not be liable to assessment or taxation for municipal income tax.

Rev. Stat.,
c. 26, s. 22,
subs. 4,
amended.

4.—(1) Subsection 4 of section 22 of *The Succession Duty Act* is amended by adding thereto the following words:

“And in addition the Court before which any such action is pending may, on the application of the Attorney-General, make such order for the attendance and examination of any person or an officer or servant of any corporation (whether or not such person or corporation is a party to the action) for discovery or otherwise as the Court may deem expedient, may direct the person or persons to be examined to make production upon oath of any books, papers or other writings or documents which **may** be in the possession or control of such person or persons or of any corporation, and where any such person or corporation is out of Ontario the Court may make an order for such examination or for the issue of a Commission or letters of request in a like manner and with the like effect as a similar order may be made for the examination of witnesses for use at the trial of an ordinary action.”

Application
of
Section

(2) The provisions of subsection 1 shall apply to actions instituted after the 1st day of January, 1932.

Rev. Stat.,
c. 27,
amended.

5. *The Law Stamps Act* is amended by adding thereto the following section:

Regulations
re fees
payable
to Crown.

22. Notwithstanding anything contained in any other Act the Lieutenant-Governor in Council may make rules and regulations from time to time regulating and fixing all fees payable to the Crown in respect of proceedings in any court.

Rev. Stat.,
c. 52, s. 8,
subs. 2,
repealed.

6. Subsection 2 of section 8 of *The Public Works Act* is repealed.

Rev. Stat.,
c. 67, s. 1,
amended.

7. Section 1 of *The Agricultural Development Finance Act* is amended by adding thereto the following subsection:

Moneys
subject to
attachment.

(2) Moneys deposited under this section shall be subject to attachment in the same manner as money deposited in any chartered bank.

Section 4. This is to make uniform the practice in Succession Duty actions. At present a Commissioner appointed under section 24 of the Act has wider powers than the Court; this will give the Court the powers conferred by section 24 upon a Commissioner.

Section 5. This gives the Lieutenant-Governor in Council power to regulate and fix the fees payable to the Crown in respect of court proceedings.

Section 6. The subsection repealed gives the Lieutenant-Governor in Council power to sell any property, real or personal, no longer required for any public works. It is deemed advisable to repeal this subsection as similar power is given by subsection 1 of section 41 of the same Act and the two slightly different sections are liable to cause confusion.

Section 7. The object of this amendment is to make it clear that money deposited with the Government Savings Bank can be reached by the process of law in the same manner as money deposited in any chartered bank.

Rev. Stat.,
c. 71, s. 22,
subs. 1,
cl. c,
repealed.

8. Clause *c* of subsection 1 of section 22 of *The Agricultural Societies Act* is repealed and the following substituted therefor:

Distribution
of
remainder
of provincial
grant.

- (c) The remainder of the grant voted for agricultural societies may be distributed by the Minister among the societies, other than new societies, which receive grants from municipalities under section 38, but the grant to any society shall not exceed the amount of the grant received by it from all municipalities during the next preceding year.

Rev. Stat.,
c. 76, s. 1,
cl. b,
repealed.

9. Clause *b* of section 1 of *The Fruit Packing Act* is repealed and the following substituted therefor:

"Asso-
ciation."

Rev. Stat.,
c. 218.

- (b) "Association" shall mean any association of fruit growers incorporated as an association under *The Companies Act* for the purpose of marketing fruit and composed of not less than ten fruit growers who together hold at least one hundred acres of land and have contracted to market their fruit through such association.

Rev. Stat.,
c. 76, s. 2,
amended.

10. Section 2 of *The Fruit Packing Act* is amended by striking out the words "or erecting" in the fifth line and inserting in lieu thereof the words "erecting or equipping" so that the section shall now read as follows:

Grant for
erecting
and equip-
ping
packing
houses.

2. The Lieutenant-Governor in Council upon the recommendation of the Minister may make a grant out of such moneys as may be appropriated by the Legislature for that purpose, to any association in accordance with the provisions of this Act for the purpose of acquiring, erecting or equipping buildings necessary for the proper grading, packing and storing of the fruits grown by the members of such association.

Rev. Stat.,
c. 107, s. 7,
repealed.

11. Section 7 of *The Evidence Act* is repealed and the following substituted therefor:

Evidence
in
proceedings
in conse-
quence of
adultery.

7. The parties to any proceeding instituted in consequence of adultery and the husbands and wives of such parties shall be competent to give evidence in such proceeding; provided that no witness in any proceeding whether a party to the suit or not, shall be liable to be asked or bound to answer any question tending to show that he or she is guilty of adultery unless such witness shall have already given evidence in the same proceeding in disproof of his or her alleged adultery.

Section 8. The purpose of the amendment is to place the distribution of the balance of the vote upon the same plane as municipal grants.

Section 9. The present clause (b) reads as follows:

- (b) "Association" shall mean any co-operative organization of not less than ten fruit growers incorporated under *The Companies Act* or other Acts of the Province for the purpose of marketing any kind of fruit and holding at least one hundred acres of bearing fruit lands, the fruit from which shall be contracted to be sold through such association.

The amendment is for the purpose of clarifying the meaning of the clause.

Section 10. The present section provides that a grant may be made to any association for the purpose of acquiring and erecting the necessary buildings. The amendment provides that the grant may be used for acquiring, erecting and equipping such buildings.

Section 11. The introduction of divorce law gives rise to new problems under *The Evidence Act*. Among them is the provision of section 7 which is intended to protect parties to an action consequent upon adultery and even husbands and wives from being compellable witnesses as to their alleged acts of adultery unless in the action they have previously denied the allegation. This offers no protection to witnesses other than the actual parties and their spouses, even though the evidence sought from such witnesses is collateral to the issues. Furthermore the present section 7 appears only to protect the spouse of the party and not the party himself if competent only under the Act from being interrogated as to acts of adultery.

Under the Imperial Act all witnesses are given protection from such interrogation and apparently there have been no ill results by reason of such protection. If a party and the spouse to an action is offered protection it would appear to be but fair that the witness who is not a party or spouse should be afforded similar protection, and it seems advisable that the Imperial rule should be adopted in this Province.

Rev. Stat.,
c. 123, s. 29,
amended.

12. Section 29 of *The Coroners Act* is amended by adding thereto the following subsections:

Coroner's
accounts
to be
approved
by County
Board of
Audit.

- (3) Where a city or county is entitled to be recouped out of the Consolidated Revenue Fund for fees and expenses paid to a coroner under this Act, all accounts therefor shall be audited and approved by the County Board of Audit appointed under *The Administration of Justice Expenses Act* in the manner provided for in such Act with respect to other accounts.

Application
to
outstanding
accounts.

- (4) Subsection 3 shall apply to any outstanding account for fees and expenses payable or paid to a coroner by a city or county, the amount of which has not been recouped out of the Consolidated Revenue Fund at the time of the passing of this Act.

Rev. Stat.,
c. 123,
amended.

13. *The Coroners Act* is amended by adding thereto the following section:

Recovery of
penalties.
Rev. Stat.,
c. 121.

- 44a. The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 164,
ss. 37-41,
repealed.

14. Sections 37, 38, 39, 40 and 41 of *The Bills of Sale and Chattel Mortgage Act* are repealed.

Rev. Stat.,
c. 164,
amended.

15. *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following section:

Application
ss. 28-30.

37. The provisions of sections 28, 29 and 30 of this Act shall not apply to any instrument registered under *The Corporation Securities Registration Act, 1932*.

Rev. Stat.,
c. 158,
s. 61a
(1931,
c. 23, s. 11)
repealed.

16. Section 61a of *The Land Titles Act* as enacted by section 11 of *The Statute Law Amendment Act, 1931*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 148.

- 61a. Notwithstanding anything contained in *The Devolution of Estates Act* or this Act, no executor, administrator, devisee, beneficiary, heir, or any person interested in any freehold or leasehold land, or in any charge or interest therein, shall, by reason of the death of any registered owner of any such land, charge or interest in land be entered as owner unless the consent in writing of the Treasurer of Ontario is attached to or endorsed on the application for transmission of interest and such entry shall be in respect of only the land, charge or interest in land mentioned in the application, and in the case

Section 12. The amendment is necessary to accord with the practice which for many years has prevailed that coroners' accounts be passed by the County Board of Audit before submission to the Department. Section 29 in its present form is not in accord with the practice, and certain outstanding coroners' accounts in one county cannot be dealt with until the amendment is made.

Section 13. In 1926 a section was inserted in *The Coroners Act* prohibiting interference with wreckage of any kind. In 1931 a subsection was added to the original section providing a penalty for interfering with, destroying or carrying away such wreckage and it is deemed necessary to provide that the penalties imposed by this subsection be recoverable under *The Summary Convictions Act*.

Section 14. The sections repealed deal with mortgages and debentures of incorporated companies and with the enactment of *The Corporation Securities Registration Act, 1932*, are no longer necessary.

Section 15. Sections 28, 29 and 30 are the sections dealing with mortgages to secure bonds, etc., of corporations. It is necessary to provide that these sections shall not apply to instruments registered under *The Corporations Securities Registration Act, 1932*.

Section 16. This amendment is to provide for the endorsement of the Treasurer's consent on the document to be registered instead of the consent being evidenced only by a separate document and to provide for the consent of the Treasurer to registration of the cessation of charge where no application has been made for transmission and also makes unnecessary any consent to registration where the death took place before the 1st of January, 1930.

of the death of the registered owner of any charge where no such entry is being applied for, a cessation of the charge shall not be registered until above consent is attached to or endorsed on such cessation.

Application
of section.

61*b*. Section 61*a* shall not apply where the death of the registered owner occurred prior to the 1st day of January, 1930.

Rev. Stat.,
c. 188,
s. 19,
subs. 2,
cl. c,
amended.

17. Clause *c* of subsection 2 of section 19 of *The Children of Unmarried Parents Act* is amended by striking out the word "magistrate" in the second line and inserting in lieu thereof the word "judge," so that the clause shall now read as follows:

Enforce-
ment of
payment
by imprison-
ment.

(*c*) may, when a warrant has been issued or where the person in default fails to satisfy the judge that such default is due to inability to pay, order such person to be imprisoned for any period not exceeding three months unless the payments in respect of which he is in default are sooner paid.

Rev. Stat.,
c. 192, s. 44,
repealed.

18. Section 44 of *The Law Society Act* as amended by section 8 of *The Statute Law Amendment Act, 1928*, is repealed.

Rev. Stat.,
c. 200,
amended.

19. *The Drugless Practitioners Act* is amended by adding thereto the following section:

5*a*.—(1) In all cases where proof of registration under this Act is required to be made, the production of a printed or other copy of the register, certified under the hand of the secretary-treasurer of the Board, shall be sufficient evidence of all persons who are registered practitioners in lieu of the production of the original register, and any certificate upon such printed or other copy of the register purported to be signed by any person in his capacity of secretary-treasurer of the Board under this Act, shall be *prima facie* evidence that such person is the secretary-treasurer without any proof of his signature or of his being in fact the secretary-treasurer.

(2) The absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Act.

(3) In the case of any person whose name does not appear in such copy, a certified copy under the hand of the secretary-treasurer of the entry of the

Section 17. This amendment is to correct what apparently is a clerical error in the Act. The definition of "judge" includes a magistrate upon whom jurisdiction has been conferred.

Section 19. The new section is intended to avoid the necessity of bringing the register into court where any person is prosecuted for a violation of the provisions of the Act.

name of such person on the register shall be evidence that such person is registered under the provisions of this Act.

Rev. Stat.,
c. 218,,
s. 84,
subs. 3,
amended.

20. Subsection 3 of section 84 of *The Companies Act* is amended by striking out the words "*The Bills of Sale and Chattel Mortgage Act*" in the third line and inserting in lieu thereof the words "any other Act" so that the subsection shall now read as follows:

Exceptions.

- (3) The next preceding subsection shall not apply to any mortgage filed with the Provincial Secretary under the provisions of any other Act.

Rev. Stat.,
c. 218,
s. 97,
subs. 2,
repealed.

21. Subsection 2 of section 97 of *The Companies Act* is repealed and the following substituted therefor:

Companies
with wasting
assets
declaring
or paying
dividends.

- (2) Nothing in this section shall prevent a mining company or a company whose assets are of a wasting character, or a company heretofore or hereafter incorporated under this Act whose principal object is the acquisition of the assets, or a substantial part of the assets, of another corporation, either from such corporation or from the assign of such corporation, for the purpose of converting such assets into money and distributing the money of the company amongst its shareholders and the administration of such assets pending conversion and distribution thereof, from declaring or paying dividends out of its funds derived from the operations of the company, provided that in the case of a company incorporated for the object last mentioned such dividends shall be paid only in accordance with the priorities of shareholders as prescribed by the letters patent or supplementary letters patent of such company.

Certain
sections
repealed.

22. Notwithstanding anything contained in section 10 of *The Companies Act, 1928*, sections 108 and 109 of the Act passed in the seventh year of the reign of His late Majesty King Edward the Seventh, chaptered 34, sections 112 and 113 of the Act passed in the 2nd year of the reign of His Majesty King George the Fifth, chaptered 31, sections 114 and 115 of *The Companies Act*, chapter 178 of the Revised Statutes of Ontario, 1914, and sections 116 and 117 of *The Companies Act*, chapter 218 of the Revised Statutes of Ontario, 1927, and section 152a of the said *Companies Act* enacted by section 7 of *The Companies Act, 1929*, are each hereby severally repealed as, of and from the date on which the same were respectively enacted, provided that such repeal shall

Section 20. This amendment, respecting the filing with the Provincial Secretary of mortgages of corporations to secure bonds, etc., is rendered necessary to fit in with the provisions of *The Corporation Securities Registration Act, 1932*. This Act and *The Assignment of Book Debts Act, 1931*, passed at the last Session but not yet proclaimed, and amended at the present Session, will largely supersede *The Bills of Sale and Chattel Mortgage Act* with respect to mortgages on chattels and assignment of book debts by corporations.

Section 21. During recent years certain companies have been incorporated under *The Companies Act* to acquire the assets of companies which had become insolvent or financially embarrassed, for the purpose of selling or realizing upon the assets of such companies for the benefit of creditors and shareholders. The proceeds of the realization of the assets of these companies are distributed from time to time by way of dividend, among the shareholders of the companies being the creditors and the shareholders of the defunct companies and in due course the whole of the assets will be distributed and the purpose of the corporations be completed and ended. The dividend distributions, in such cases, are mixed payments of capital and income of the company and the question has arisen whether they have the effect of diminishing the capital of the company. Section 97 of *The Companies Act* prohibits the payment of dividends which diminish capital, except in the case of mining companies or companies whose assets are of a wasting character, and an amendment is deemed advisable so that there may be no objection to the charter powers as granted to the above-mentioned companies as being inconsistent with *The Companies Act* as it stands at present. It is therefore recommended that provision be made to class these companies with mining companies and companies whose assets are of a wasting character which are already provided for in subsection 2 and the following subsections of section 97.

Section 22. The revision and consolidation of *The Companies Act* in 1907 and all subsequent revisions have included provisions requiring public companies offering stock to the public for subscription to take out a certificate entitling them to commence business. These provisions followed the English company law prior to their *Companies Act* of 1908. These provisions have proved unsatisfactory because of various interpretations and also because of the difficulty in persons dealing with the company to have knowledge of whether such company did or did not offer its stock to the public for subscription.

Sections 116 and 117 of the 1927 revision of *The Companies Act* were repealed in 1928 as of that date, but this repeal of course did not work out to the advantage of the companies incorporated prior to that date. The proposed amendment wipes out sections 116 and 117 and the like sections throughout the various *Companies Acts* as from the dates of their respective enactments.

not affect in any way the powers and rights consequent upon compliance with the said sections or any of them of any company which has complied with the said repealed sections or any of them while they were in force.

Rev. Stat.,
c. 219,
s. 2,
amended.

23. Section 2 of *The Extra Provincial Corporations Act* is amended by striking out the words "corporations liable to payment of taxes imposed by *The Corporations Tax Act* or" in the first and second lines of the clause commencing "Class 5," so that the said clause shall now read as follows:

Class 5. Corporations licensed under the provisions of *The Liquor Control Act* relating to brewers and distillers.

Rev. Stat.,
c. 224,
s. 1, cl. u,
amended.

24. Clause *u* of section 1 of *The Railway Act* is amended by adding at the end thereof the following words:

"and shall include busses and other vehicular means of transportation operated as part of or in connection with a street railway."

Rev. Stat.,
c. 224,
s. 210,
subs. 1,
repealed.

25.—(1) Subsection 1 of section 210 of *The Railway Act* is repealed and the following substituted therefor:

(1) Notwithstanding anything to the contrary contained in any agreement with a municipal or other corporation or person or in any special Act, the fare to be taken by a company operating an electric railway or a street railway shall be such as may be agreed upon, and upon failure to make such agreement the fare to be taken shall be such as the Board may fix upon application made to it.

Rev. Stat.,
c. 224,
s. 210,
subs. 2,
repealed.

(2) Subsection 2 of the said section 210 is repealed.

Rev. Stat.,
c. 238, s. 40,
subs. 14
(1931, c. 51,
s. 5)
amended.

26.—(1) Subsection 14 of section 40 of *The Assessment Act* as enacted by section 5 of *The Assessment Amendment Act, 1931*, is amended by striking out the figures and word "12, 13 and 14" in the third line and inserting in lieu thereof the figures and word "11, 12 and 13."

1931, c. 51,
amended.

(2) *The Assessment Amendment Act, 1931*, being chapter 51 of the statutes of 1931, is amended by inserting at the commencement thereof the words "Assented to April 2nd, 1931."

Rev. Stat.,
c. 280, s. 4,
subs. 1,
amended.

27. Subsection 1 of section 4 of *The Mothers' Allowances Act* is amended by striking out the word "Commission" in the second line and inserting in lieu thereof the word "Minister," so that the subsection shall now read as follows:

Section 23. *The Extra Provincial Corporations Act* requires, in general, all extra provincial corporations to take out a license as a condition precedent to carrying on business in Ontario. The present section 2 provides that certain classes of companies shall not require a license. Class 5 includes "corporations liable to payment of taxes imposed by *The Corporations Tax Act*."

This phraseology was quite adequate to exempt the corporations intended, —express companies, railway companies, telegraph companies and gas and electric companies paying taxes under section 3 of *The Corporations Tax Act*. Last Session however an amendment to *The Corporations Tax Act* imposed a tax on all corporations carrying on business in Ontario based on the capitalization of the company. The wide general application of this amendment gives Class 5 of section 2 of *The Extra Provincial Corporations Act* a likewise wide general exemption never intended. As Class 5 now reads, almost every extra provincial corporation carrying on business in Ontario is outside the application of the Act and therefore requires no license. The proposed amendment is to remedy this situation

Section 24. Many of the street railway systems in Ontario now operate busses as part of the system and it is therefore desirable that the definition of "street railway" be extended to include such busses.

Section 25. Section 210 of *The Railway Act* has not been changed for many years and specifies the maximum fare for three miles shall not exceed five cents and for over three miles shall not exceed two cents per mile with further provision as to the rates of fare to be charged for children and school pupils.

The prevailing rates on all electrical and street railways are by agreement in excess of the fares stated in the section and it is desirable therefore to have the section re-written so as to provide that the rate of fares to be charged are to be such as are agreed upon, and failing agreement, such as the Ontario Municipal Board may fix.

Section 26. These amendments are merely for the purpose of correcting clerical errors in *The Assessment Amendment Act, 1931*.

Section 27. This amendment is to provide for departmental control of the staff.

Staff
salaries.

- (1) The Lieutenant-Governor in Council may on the recommendation of the Minister appoint an executive secretary and such other officers, clerks and servants of the Commission as may be deemed expedient and may fix the salaries of the members of the staff of the Commission.

Rev. Stat.,
c. 280, s. 9,
amended.

- 28.** Section 9 of *The Mothers' Allowances Act* is amended by striking out the word "Commission" in the second line and inserting in lieu thereof the word "Minister" so that the first two lines of the said section shall now read as follows:

Regulations.

9. On approval of the Lieutenant-Governor in Council the Minister may make regulations—

Rev. Stat.,
c. 285,
s. 22
(1930,
c. 58, s. 5)
repealed.

- 29.** Section 22 of *The Theatres and Cinematographs Act* as enacted by section 5 of *The Theatres and Cinematographs Act, 1930*, is repealed and the following substituted therefor:

Fire
prevention.

22. From and after the passing of this Act a license to operate a theatre shall be granted only when the building in which such theatre is located is of fire resistive construction; provided that the Inspector of Theatres may in his discretion extend the time for altering or otherwise rendering any such building fire-resistive.

Rev. Stat.,
c. 222,
s. 254,
amended.

- 30.** Section 254 of *The Insurance Act* is amended by striking out the words "one and one-third" in the third line and inserting in lieu thereof the word "two," so that the section shall now read as follows:

Annual tax

254. The attorney shall, on or before the 1st day of March in each year, pay to the Treasurer of Ontario for the use of the Province, an annual tax equal to two per centum of the gross premiums or deposits collected from subscribers in respect of risks located in Ontario during the preceding calendar year after deducting returns for cancellations, considerations for re-insurances with licensed insurers and all amounts returned to subscribers or credited to their accounts as savings during each year.

Section 28. This is to provide for departmental control of the staff and administration of the Act.

Section 29. This amendment gives the Inspector of Theatres authority to extend the time for altering or otherwise rendering any theatre fire-resistive.

Section 30. This amendment is necessary to make the premium tax payable by reciprocal exchanges the same as the aggregate of the premium tax payable under *The Corporations Tax Act* as amended at this Session and *The Fire Marshals Act* by other insurance companies.

1921, c. 36,
amended.

Certain lots
detached
from
Town of
Kapuskasing

31. Those portions of lots numbers 23 and 24 in the 12th Concession of the Township of O'Brien, lying north of the Kapuskasing River; that portion of lot number 22 in the 13th Concession of the said Township lying west of the Kapuskasing River and lots numbers 23 and 24 in the said 13th Concession; that portion of lot number 23 in the 14th Concession of the said Township lying south of the Kapuskasing River; that portion of lot number 24 in the said 14th Concession lying west and south of the said Kapuskasing River and lot number 25 in the said 14th Concession; and that portion of lot number 24 in the 15th Concession of the said Township lying west of the Kapuskasing River are detached from the Town of Kapuskasing and annexed to and shall hereafter form part of the said Township of O'Brien, and the Act passed in the year 1921, chaptered 36 entitled "An Act to incorporate the Town of Kapuskasing" is amended accordingly.

1928, c. 33,
s. 3,
subs. 3,
amended.

32. Subsection 3 of section 3 of *The Companies Information Act, 1928*, is amended by striking out the words "liable to payment of tax under section 3 of *The Corporations Tax Act*" in the first and second lines and inserting in lieu thereof the words "registered under *The Loan and Trust Corporations Act*" so that the subsection shall now read as follows:

Exceptions
as to
companies
registered
under
Rev. Stat.
cc. 222, 223.

- (3) This section shall not apply to corporations registered under *The Loan and Trust Corporations Act* or to an insurer licensed under *The Insurance Act*, except where such corporation or insurer is selling its treasury stock in Ontario either directly or through any person or company.

1930, c. 39,
s. 1;
1931,
c. 48,
s. 1,
amended.

33. Section 1 of *The Security Frauds Prevention Act, 1930*, is amended by striking out the words "*The Security Frauds Prevention Act*" and inserting in lieu thereof the words "*The Securities Act*" so that the said Act shall be cited as "*The Securities Act, 1930*," and section 1 of *The Security Frauds Prevention Act, 1931*, is amended by striking out the words "*The Security Frauds Prevention Act*" and inserting in lieu thereof the words "*The Securities Act*," so that the said Act shall be cited as "*The Securities Act, 1931*," and wherever the words "*The Security Frauds Prevention Act, 1930*" and "*The Security Frauds Prevention Act, 1931*," occur in the statutes they shall mean "*The Securities Act, 1930*" and "*The Securities Act, 1931*."

Section 31. When the Town of Kapuskasing was first laid out in 1921 it was evidently believed that it would become a city in the near future as the area of the Town at that time was greater than the City of Hamilton.

The lands described comprise the Dominion Experimental Farm which pays no taxes to the Town and the council wish to detach them from the limits of the corporation.

Section 32. This amendment is desirable for much the same reasons as the amendment made to section 2 of *The Extra Provincial Corporations Act*.

Section 3 of *The Companies Information Act* provides that every company, other than a private company, establishing a head office, commencing any business or selling any of its securities in Ontario must file a prospectus in the office of the Provincial Secretary. Subsection 3 of section 3 provides that certain companies are exempt from this requirement. This was satisfactory until the recent amendment to section 3 of *The Corporations Tax Act* was passed imposing a tax on all corporations based on their capitalization. By reason of the foregoing amendment to *The Corporations Tax Act* subsection 3 of section 3 of *The Companies Information Act* grants exemption which was not intended, to almost every company. The proposed amendment is to remedy this situation.

A similar amendment was made last Session with respect to the filing of annual returns of corporations under section 4 of *The Companies Information Act*, for much the same reason.

Section 33. In the working out of this Act it is necessary to secure the co-operation of brokers, security issuers, salesmen and others and the use of the word "frauds" in the title and reference to the Act is considered objectionable as causing irritation to the above-mentioned persons.

1931, c. 60,
s. 7,
subs. 1
amended.

34.—(1) Subsection 1 of section 7 of *The Ontario Training Schools Act, 1931*, is amended by adding at the end thereof the words “or at any time after leaving the school,” so that the subsection shall now read as follows:

School
wardship
over boys
and girls.

- (1) Every boy or girl admitted to a training school shall upon admission become a ward of the training school until he or she becomes of age and shall be subject to the control of the Board and superintendent in the same manner and to the same extent as in the case of a guardian appointed by statute or by any court or by any will or instrument and all rights and powers of the parent or any such guardian over a boy or girl so admitted shall upon admission cease and determine unless the Minister provides that the wardship of the training school shall cease upon the boy or girl leaving the school or at any time after leaving the school.

1931, c. 60,
s. 7,
subs. 2,
amended.

- (2) Subsection 2 of the said section 7 is amended by striking out the words “upon a boy or girl leaving the school he or she” in the second and third lines and inserting in lieu thereof the words “the boy or girl”, so that the subsection shall now read as follows:

Restoration
of other
wardship.

- (2) When the Minister provides that the wardship of a training school shall cease the boy or girl shall after leaving be and become a ward of that person who but for the wardship of the training school was or would have been in law his or her guardian.

1931, c. 76,
s. 51,
subs. 1,
cl. b,
amended.

35.—(1) Clause *b* of subsection 1 of the said section 51 is amended by striking out the figures “\$2.25” in the sixth line and inserting in lieu thereof the figures “\$2.15” so that the said clause shall now read as follows:

Indigent
rate of
aid for
unorganized
territory.

- (*b*) for treatment of every patient who is an indigent person or the dependent of an indigent person and who has actually resided in unorganized territory for the period of three months within the five months next prior to admission to a sanatorium at the rate of \$2.15 per day for every day that such patient is receiving treatment in the sanatorium.

Commence-
ment of
section.

- (2) This section shall have effect from the 1st day of April, 1932.

Section 34. (1) The present Act requires that the child shall be returned to the school before termination of wardship can take place. The amendment will permit guardianship to be terminated at any time after graduation from the school.

(2) This is necessary in order to conform with the amendment made to subsection 1.

Section 35. This is to enact the necessary amendment to provide for a reduction in the rate of provincial aid to be granted where the Province assumes the cost of indigents from unorganized territory who are patients in a sanatorium.

1931, c. 78,
s. 41,
amended.

36. Section 41 of *The Public Hospitals Act, 1931*, is amended by striking out the figures "1929" in the last line and inserting in lieu thereof the figures "1930".

1931, c. 109,
amended.

37. Wherever in chapter 109 of the statutes of Ontario, 1931, being *An Act respecting the Municipality of Neebing*, the word "township" occurs with reference to the said municipality the same shall be struck out and the word "municipality" inserted in lieu thereof and the said Act shall be construed as if reference had been made therein to the municipality of Neebing from the time when the provisions of the said Act came into force.

38. The council of the corporation of the township of Harwich may apply any grants or contributions made towards the cost of certain works undertaken under the authority of its by-laws numbers 2680 and 2736 in payment of the whole or any portion of the special assessments levied upon the properties liable for the cost of the said works in any one or more of the years during which such assessments are payable.

Authority to
guarantee
certain
debentures.

39.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to guarantee the payment on behalf of Ontario of the debentures amounting to \$57,000 issued or to be issued by the corporation of the town of Sturgeon Falls under the authority of by-laws of the said corporation.

Form of
guaranty.

(2) The form of guaranty and the manner of its execution shall be determined by the Lieutenant-Governor in Council.

Consent of
University
to assign-
ment of
Victoria
College
leases.

40. The consent given by the governor of the University of Toronto under date of the 18th day of December, 1931, to the assignment by way of mortgage of certain leases by the Board of Regents of Victoria University, is hereby ratified and confirmed and declared to be legal, valid and binding.

Confirmation
of
Order-in-
Council.

41. The Order-in-Council approved by the Honourable the Administrator for the Province of Ontario and dated the 29th day of January, A.D. 1932, relating to the Sandwich, Windsor and Amherstburg Railway and all things made, done and performed pursuant thereto are confirmed and shall be deemed to be and since the said date to have been valid and binding.

Section 36. In the repealing section of *The Hospitals Act, 1931*, reference is made to chapter 21 of 1929. The reference should be to chapter 21 of 1930.

Section 37. By error in the Act referred to in this section the proper name of the municipality of Neebing was not given. This municipality consists of several townships of which Neebing is only one and it is desirable to have the error corrected.

Section 38. The township of Harwich finds by reason of inundations of Lake Erie over certain areas in the township which are subjected to very heavy assessments for special works constructed in such areas, that the farmers are quite unable to make payment of these assessments at the present time. Certain grants are available for these works and it is highly desirable to protect these farmers that these grants be used for immediate relief of the farmers' burdens instead of being spread over a period of years. This section enables the council to grant such relief.

Section 39. The debenture issue referred to is to cover the cost of unemployment relief work undertaken by the town council and the guarantee thereof by the Province follows what on occasion has been found necessary to enable municipalities in Northern Ontario to market securities at a reasonable price.

Section 40. When Victoria College and Trinity College entered confederation leases were granted to them of property in University Park. Victoria College has recently had occasion to borrow from the Canada Life. This section is intended to confirm the consent given by the Board of Governors to the assignment of these leases by way of security for the loan.

BILL

The Statute Law Amendment Act, 1932.

1st Reading

March 21st, 1932

2nd Reading

3rd Reading

MR. PRICE

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

The Statute Law Amendment Act, 1932.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 130

1932

BILL

The Statute Law Amendment Act, 1932.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 7, s. 4,
subs. 10
amended.

1.—(1) Subsection 10 of section 4 of *The Voters' Lists Act* is amended by inserting after the word "Act" in the fourth line the words "or by reason of being a farmer's daughter" so that the subsection shall now read as follows:

Entering
name of
husband
wife or
daughter
of person
rated.

(10) In the case of a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by *The Municipal Act*, or by reason of being a farmer's daughter, the clerk shall opposite the name of such person, in the proper column, insert the letters "M.F.N.C." meaning that such person is entitled to vote at municipal elections, but is not to be counted for the purpose of determining representation in the county council.

Rev. Stat.,
c. 7, s. 4,
subs. 12,
repealed.

(2) Subsection 12 of the said section 4 is repealed and the following substituted therefor:

Farmer's
son and
farmer's
daughter.

(12) In the case of a person being a farmer's son or a farmer's daughter, the clerk shall insert opposite the name, in the proper column, the words "Farmer's Son" or "Farmer's Daughter" or the letters "F.S." or "F.D." as the case may be.

Rev. Stat.,
c. 8, s. 3,
subs. 1,
cl. a,
repealed.

2. The clause lettered *a* in subsection 1 of section 3 of *The Election Act* is repealed and the following substituted therefor:

(a) In the County of York the board shall be composed of the judges of the county court.

3. *The Law Stamps Act* is amended by adding thereto the following section: Rev. Stat.,
c. 27,
amended.

22. Notwithstanding anything contained in any other Act the Lieutenant-Governor in Council may make rules and regulations from time to time regulating and fixing all fees payable to the Crown in respect of proceedings in any court. Regulation
re fees
payable
to Crown.

4. Subsection 2 of section 8 of *The Public Works Act* is repealed. Rev. Stat.,
c. 52, s. 8,
subs. 2,
repealed.

5. Subsection 7 of section 74 of *The Highway Improvement Act* is amended by striking out the words "Public Works and" in the fourth line, so that the subsection shall now read as follows: Rev. Stat.,
c. 54,
s. 74,
subs. 7,
amended.

(7) In any action under this section against the Department, the defendant may be described as "His Majesty the King in right of the Province of Ontario, represented by the Minister of Highways for the Province of Ontario", and it shall not be necessary to proceed by petition of right or to procure the fiat of the Lieutenant-Governor or the consent of the Attorney-General before commencing such action but every such action may be instituted and carried on and judgment may be given thereon in the same manner as in an action brought by a subject of His Majesty against another subject. Style of
action.

6. Section 1 of *The Agricultural Development Finance Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 67, s. 1,
amended.

(2) Moneys deposited under this section shall be subject to attachment in the same manner as money deposited in any chartered bank. Moneys
subject to
attachment.

7. Clause *c* of subsection 1 of section 22 of *The Agricultural Societies Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 71, s. 22,
subs. 1,
cl. c,
repealed.

(c) The remainder of the grant voted for agricultural societies may be distributed by the Minister among the societies, other than new societies, which receive grants from municipalities under section 38, but the grant to any society shall not exceed the amount of the grant received by it from all municipalities during the next preceding year. Distribution
of
remainder
of provincial
grant.

8. Clause *b* of section 1 of *The Fruit Packing Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 76, s. 1
cl. b,
repealed.

"Association."

Rev. Stat.,
c. 218.

- (b) "Association" shall mean any association of fruit growers incorporated as an association under *The Companies Act* for the purpose of marketing fruit and composed of not less than ten fruit growers who together hold at least one hundred acres of land and have contracted to market their fruit through such association.

Rev. Stat.,
c. 76, s. 2,
amended.

9. Section 2 of *The Fruit Packing Act* is amended by striking out the words "or erecting" in the fifth line and inserting in lieu thereof the words "erecting or equipping" so that the section shall now read as follows:

Grant for
erecting
and equip-
ping
packing
houses.

2. The Lieutenant-Governor in Council upon the recommendation of the Minister may make a grant out of such moneys as may be appropriated by the Legislature for that purpose, to any association in accordance with the provisions of this Act for the purpose of acquiring, erecting or equipping buildings necessary for the proper grading, packing and storing of the fruits grown by the members of such association.

Rev. Stat.,
c. 88, s. 1,
amended.

10.—(1) Section 1 of *The Judicature Act* is amended by adding the following clause:

"Master of
the Supreme
Court."

- (v) "Master of the Supreme Court" shall include Assistant Master.

Commence-
ment of
section.

- (2) This amendment shall come into force and take effect as and from the 1st day of January, 1932.

Rev. Stat.,
c. 107, s. 7,
repealed.

11. Section 7 of *The Evidence Act* is repealed and the following substituted therefor:

Evidence
in
proceedings
in conse-
quence of
adultery.

7. The parties to any proceeding instituted in consequence of adultery and the husbands and wives of such parties shall be competent to give evidence in such proceeding; provided that no witness in any proceeding whether a party to the suit or not, shall be liable to be asked or bound to answer any question tending to show that he or she is guilty of adultery unless such witness shall have already given evidence in the same proceeding in disproof of his or her alleged adultery.

Rev. Stat.,
c. 123, s. 29,
amended.

12. Section 29 of *The Coroners Act* is amended by adding thereto the following subsections:

Coroner's
accounts
to be
approved
by County
Board of
Audit.

- (3) Where a city or county is entitled to be recouped out of the Consolidated Revenue Fund for fees and

expenses paid to a coroner under this Act, all accounts therefor shall be audited and approved by the County Board of Audit appointed under *The Administration of Justice Expenses Act* in the manner provided for in such Act with respect to other accounts.

- (4) Subsection 3 shall apply to any outstanding account for fees and expenses payable or paid to a coroner by a city or county, the amount of which has not been recouped out of the Consolidated Revenue Fund at the time of the passing of this Act.

Application to outstanding accounts.

13. *The Coroners Act* is amended by adding thereto the following section:

Rev. Stat., c. 123, amended.

- 44a.** The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act*.

Recovery of penalties. Rev. Stat., c. 121.

14. Section 61a of *The Land Titles Act* as enacted by section 11 of *The Statute Law Amendment Act, 1931*, is repealed and the following substituted therefor:

Rev. Stat., c. 158, s. 61a (1931, c. 23, s. 11) repealed.

- 61a.** Notwithstanding anything contained in *The Devolution of Estates Act* or this Act, no executor, administrator, devisee, beneficiary, heir, or any person interested in any freehold or leasehold land, or in any charge or interest therein, shall, by reason of the death of any registered owner, co-owner or joint owner of any such land, charge or interest in land be entered as owner unless the consent in writing of the Treasurer of Ontario is attached to or endorsed on the application for transmission of interest or application for entry and such entry shall be in respect of only the land, charge or interest in land mentioned in the application, and in the case of the death of the registered owner of any charge where no such entry is being applied for, but a cessation of the charge is tendered for registration, such cessation shall not be registered until the above consent is attached thereto or endorsed thereon.

Rev. Stat., c. 148.

Transfer of interest of deceased owner not to be entered without consent of Provincial Treasurer.

- 61b.** Section 61a shall not apply where the death of the registered owner occurred prior to the 1st day of January, 1930.

Application of section.

15. Sections 37, 38, 39, 40 and 41 of *The Bills of Sale and Chattel Mortgage Act* are repealed.

Rev. Stat., c. 164, ss. 37-41, repealed.

16. *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following section:

Rev. Stat., c. 164, amended.

Application
of ss. 28—30.
1932, c. 50.

37. The provisions of sections 28, 29 and 30 of this Act shall not apply to any instrument registered under *The Corporation Securities Registration Act, 1932*.

Rev. Stat.,
c. 181, s. 17,
amended.

- 17.**—(1) Subsection 1 of section 17 of *The Marriage Act* is amended by striking out at the end of the said subsection the words “and such consent shall be deemed to be a condition precedent to a valid marriage, unless the marriage has been consummated or the parties have after the ceremony cohabited and lived together as man and wife.”

Rev. Stat.,
c. 181, ss. 34
and 35,
repealed.

- (2) Sections 34 and 35 of *The Marriage Act* are repealed.

Rev. Stat.,
c. 188,
s. 19,
subs. 2,
cl. c,
amended.

- 18.** Clause *c* of subsection 2 of section 19 of *The Children of Unmarried Parents Act* is amended by striking out the word “magistrate” in the second line and inserting in lieu thereof the word “judge,” so that the clause shall now read as follows:

Enforce-
ment of
payment
by imprison-
ment.

- (c) may, when a warrant has been issued or where the person in default fails to satisfy the judge that such default is due to inability to pay, order such person to be imprisoned for any period not exceeding three months unless the payments in respect of which he is in default are sooner paid.

Rev. Stat.,
c. 192, s. 44,
repealed.

- 19.** Section 44 of *The Law Society Act* as amended by section 8 of *The Statute Law Amendment Act, 1928*, is repealed.

Rev. Stat.
c. 200,
amended.

- 20.** *The Drugless Practitioners Act* is amended by adding thereto the following section:

Proof of
registration.

- 5a.**—(1) In all cases where proof of registration under this Act is required to be made, the production of a printed or other copy of the register, certified under the hand of the secretary-treasurer of the Board, shall be sufficient evidence of all persons who are registered practitioners in lieu of the production of the original register, and any certificate upon such printed or other copy of the register purported to be signed by any person in his capacity of secretary-treasurer of the Board under this Act, shall be *prima facie* evidence that such person is the secretary-treasurer without any proof of his signature or of his being in fact the secretary-treasurer.

- (2) The absence of the name of any person from such copy shall be *prima facie* evidence that such person

is not registered according to the provisions of this Act.

- (3) In the case of any person whose name does not appear in such copy, a certified copy under the hand of the secretary-treasurer of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act.

21. Subsection 3 of section 84 of *The Companies Act* is amended by striking out the words "*The Bills of Sale and Chattel Mortgage Act*" in the third line and inserting in lieu thereof the words "any other Act" so that the subsection shall now read as follows: Rev. Stat., c. 218,, s. 84, subs. 3, amended.

- (3) The next preceding subsection shall not apply to any mortgage filed with the Provincial Secretary under the provisions of any other Act. Exceptions.

22. Subsection 2 of section 97 of *The Companies Act* is repealed and the following substituted therefor: Rev. Stat., c. 218,, s. 97, subs. 2, repealed.

- (2) Nothing in this section shall prevent a mining company or a company whose assets are of a wasting character, or a company heretofore or hereafter incorporated under this Act whose principal object is the acquisition of the assets, or a substantial part of the assets, of another corporation, either from such corporation or from the assign of such corporation, for the purpose of converting such assets into money and distributing the money of the company amongst its shareholders and the administration of such assets pending conversion and distribution thereof, from declaring or paying dividends out of its funds derived from the operations of the company, provided that in the case of a company incorporated for the object last mentioned such dividends shall be paid only in accordance with the priorities of shareholders as prescribed by the letters patent or supplementary letters patent of such company. Companies with wasting assets declaring or paying dividends.

23. Notwithstanding anything contained in section 10 of *The Companies Act, 1928*, sections 108 and 109 of the Act passed in the seventh year of the reign of His late Majesty King Edward the Seventh, chaptered 34, sections 112 and 113 of the Act passed in the 2nd year of the reign of His Majesty King George the Fifth, chaptered 31, sections 114 and 115 of *The Companies Act*, chapter 178 of the Revised Statutes Certain sections repealed.

of Ontario, 1914, and sections 116 and 117 of *The Companies Act*, chapter 218 of the Revised Statutes of Ontario, 1927, and section 152a of the said *Companies Act* enacted by section 7 of *The Companies Act*, 1929, are each hereby severally repealed as, of and from the date on which the same were respectively enacted, provided that such repeal shall not affect in any way the powers and rights consequent upon compliance with the said sections or any of them of any company which has complied with the said repealed sections or any of them while they were in force.

Rev. Stat.,
c. 219
s. 2,
amended.

24. Section 2 of *The Extra Provincial Corporations Act* is amended by striking out the words "corporations liable to payment of taxes imposed by *The Corporations Tax Act* or" in the first and second lines of the clause commencing "Class 5," so that the said clause shall now read as follows:

Class 5. Corporations licensed under the provisions of *The Liquor Control Act* relating to brewers and distillers.

Rev. Stat.,
c. 224,
s. 1, cl. u,
amended.

25. Clause *u* of section 1 of *The Railway Act* is amended by adding at the end thereof the following words:

"and shall include busses and other vehicular means of transportation operated as part of or in connection with a street railway."

Rev. Stat.
c. 238, s. 40,
subs. 14
(1931, c. 51,
s. 5)
amended.

26.—(1) Subsection 14 of section 40 of *The Assessment Act* as enacted by section 5 of *The Assessment Amendment Act*, 1931, is amended by striking out the figures and word "12, 13 and 14" in the third line and inserting in lieu thereof the figures and word "11, 12 and 13."

1931, c. 51,
amended.

(2) *The Assessment Amendment Act*, 1931, being chapter 51 of the statutes of 1931, is amended by inserting at the commencement thereof the words "Assented to April 2nd, 1931."

Rev. Stat.,
c. 247, s. 4,
subs. 2,
amended.

27. Subsection 2 of section 4 of *The Community Halls Act* is amended by inserting after the word "township" in the first line the words "or village", so that the subsection shall now read as follows:

Debentures.

Rev. Stat.,
c. 233.

(2) The corporation of the township or village may issue debentures for the purposes of subsection 1 in the manner provided by *The Municipal Act*.

Rev. Stat.,
c. 253, s. 3,
amended.

28.—(1) Section 3 of *The Public Commercial Vehicle Act* is amended by adding thereto the following clause:

- (d) prescribing, regulating and limiting the hours of labour for drivers of public commercial vehicles. Rev. Stat., c. 253, s. 5, amended.

(2) Section 5 of *The Public Commercial Vehicle Act* is amended by adding thereto the following subsection:

- (2) The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. Recovery of penalties. Rev. Stat., c. 121.

29. Subsection 1 of section 4 of *The Mothers' Allowances Act* is amended by striking out the words "Commission appoint an executive secretary and such other" in the second and third lines and inserting in lieu thereof the words "Minister appoint such," so that the subsection shall now read as follows:

- (1) The Lieutenant-Governor in Council may on the recommendation of the Minister appoint such officers, clerks and servants of the Commission as may be deemed expedient and may fix the salaries of the members of the staff of the Commission. Staff salaries.

30. Section 9 of *The Mothers' Allowances Act* is amended by striking out the word "Commission" in the second line and inserting in lieu thereof the word "Minister" so that the first two lines of the said section shall now read as follows: Rev. Stat., c. 280, s. 9, amended.

9. On approval of the Lieutenant-Governor in Council the Minister may make regulations— Regulations.

31. Section 22 of *The Theatres and Cinematographs Act* as enacted by section 5 of *The Theatres and Cinematographs Act, 1930*, is repealed and the following substituted therefor: Rev. Stat., c. 285, s. 22, (1930, c. 58, s. 5) repealed.

22. From and after the passing of this Act a license to operate a theatre shall be granted only when the building in which such theatre is located is of fire resistive construction; provided that the Inspector of Theatres may in his discretion extend the time for altering or otherwise rendering any such building fire-resistive. Fire prevention.

32.—(1) Subsection 1 of section 7 of *The Department of Education Act* is amended by adding at the end thereof the following words: "and to an amount not exceeding \$100,000 guarantee the investments of any penny bank or similar institution mentioned in clause y of section 88 of *The Public Schools Act* and section 24 of *The High Schools Act* which has for one of its objects the encouragement of thrift among school pupils and is approved by the Minister", so that the subsection shall now read as follows: Rev. Stat., c. 322, s. 7, subs. 1, amended.

Guaranteeing school debentures and investments.

- (1) The Lieutenant-Governor in Council may, upon the recommendation of the Minister, for and in the name of the Province, guarantee the payment of any debentures issued by a board of public school trustees or a board of separate school trustees or by a municipal corporation in a provisional judicial district for any school purpose for which such board or municipal corporation is authorized to issue debentures and to an amount not exceeding \$100,000 guarantee the investments of any penny bank or similar institution mentioned in clause y of section 88 of *The Public Schools Act* and section 24 of *The High Schools Act* which has for one of its objects the encouragement of thrift among school pupils and is approved by the Minister.

Rev. Stat., c. 322, s. 7, subs. 3, amended.

- (2) Subsection 3 of the said section 7 is amended by inserting after the word "debenture" in the first line the words "issued by a municipal corporation or board of school trustees", so that the subsection shall now read as follows:

Validity of guaranteed debenture.

- (3) Any debenture issued by a municipal corporation or board of school trustees, payment of which is guaranteed on behalf of the Province of Ontario under this section, shall be valid and binding upon the municipal corporation or the board of school trustees as the case may be by which it is issued, and the ratepayers thereof, according to its terms, and the validity of any debenture so guaranteed shall not be open to question on any ground whatsoever.

Rev. Stat., c. 347, amended.

- 33.** *The Female Refuges Act* is amended by adding the following section:

Maintenance.

19. The Lieutenant-Governor in Council may make regulations providing for the amount payable by municipalities to an industrial refuge for the maintenance of females committed to such industrial refuge, from such municipalities, under the provisions of this Act.

1921, c. 36, amended.

Certain lots detached from Town of Kapuskasing

- 34.** Those portions of lots numbers 23 and 24 in the 12th Concession of the Township of O'Brien, lying north of the Kapuskasing River; that portion of lot number 22 in the 13th Concession of the said Township lying west of the Kapuskasing River and lots numbers 23 and 24 in the said 13th Concession; that portion of lot number 23 in the 14th Concession of the said Township lying south of the Kapuskasing River; that portion of lot number 24 in the said 14th

Concession lying west and south of the said Kapuskasing River and lot number 25 in the said 14th Concession; and that portion of lot number 24 in the 15th Concession of the said Township lying west of the Kapuskasing River are detached from the Town of Kapuskasing and annexed to and shall hereafter form part of the said Township of O'Brien, and the Act passed in the year 1921, chaptered 36 entitled *An Act to incorporate the Town of Kapuskasing* is amended accordingly.

35.—(1) Subsection 3 of section 3 of *The Companies Information Act, 1928*, is amended by striking out the words "liable to payment of tax under section 3 of *The Corporations Tax Act*" in the first and second lines and inserting in lieu thereof the words "registered under *The Loan and Trust Corporations Act*" so that the subsection shall now read as follows:

1928, c. 33,
s. 3,
subs. 3,
amended.

- (3) This section shall not apply to corporations registered under *The Loan and Trust Corporations Act* or to an insurer licensed under *The Insurance Act*, except where such corporation or insurer is selling its treasury stock in Ontario either directly or through any person or company.

Exceptions as to companies registered under Rev. Stat. cc. 222, 223.

(2) Section 4 of *The Companies Information Act, 1928*, as amended by section 3 of *The Companies Information Amendment Act, 1929*, and section 2 of *The Companies Information Act, 1931*, is further amended by striking out the word "February" wherever the same appears in the said section and inserting in lieu thereof the word "May," and by striking out the word "December" in the tenth line of subsection 1 of the said section and inserting in lieu thereof the word "March."

1928, c. 33,
s. 4,
amended.

(3) The amendment made by subsection 2 shall have effect as from the 1st day of January, 1933.

36. Section 1 of *The Security Frauds Prevention Act, 1930*, is amended by striking out the words "*The Security Frauds Prevention Act*" and inserting in lieu thereof the words "*The Securities Act*" so that the said Act shall be cited as "*The Securities Act, 1930*," and section 1 of *The Security Frauds Prevention Act, 1931*, is amended by striking out the words "*The Security Frauds Prevention Act*" and inserting in lieu thereof the words "*The Securities Act*," so that the said Act shall be cited as "*The Securities Act, 1931*," and wherever the words "*The Security Frauds Prevention Act, 1930*" and "*The Security Frauds Prevention Act, 1931*," occur in the statutes they shall mean "*The Securities Act, 1930*" and "*The Securities Act, 1931*."

1930, c. 39,
s. 1,
1931,
c. 43,
s. 1,
amended.

1931, c. 60
s. 7,
subs. 1
amended.

37.—(1) Subsection 1 of section 7 of *The Ontario Training Schools Act, 1931*, is amended by adding at the end thereof the words “or at any time after leaving the school,” so that the subsection shall now read as follows:

School
wardship
over boys
and girls.

- (1) Every boy or girl admitted to a training school shall upon admission become a ward of the training school until he or she becomes of age and shall be subject to the control of the Board and superintendent in the same manner and to the same extent as in the case of a guardian appointed by statute or by any court or by any will or instrument and all rights and powers of the parent or any such guardian over a boy or girl so admitted shall upon admission cease and determine unless the Minister provides that the wardship of the training school shall cease upon the boy or girl leaving the school or at any time after leaving the school.

1931, c. 60,
s. 7,
subs. 2,
amended.

(2) Subsection 2 of the said section 7 is amended by striking out the words “upon a boy or girl leaving the school he or she” in the second and third lines and inserting in lieu thereof the words “the boy or girl”, so that the subsection shall now read as follows:

Restoration
of other
wardship.

- (2) When the Minister provides that the wardship of a training school shall cease the boy or girl shall after leaving be and become a ward of that person who but for the wardship of the training school was or would have been in law his or her guardian.

1931, c. 76,
s. 51,
subs. 1,
cl. b,
amended.

38.—(1) Clause *b* of subsection 1 of section 51 of *The Sanatoria for Consumptives Act, 1931*, is amended by striking out the figures “\$2.25” in the sixth line and inserting in lieu thereof the figures “\$2” so that the said clause shall now read as follows:

Indigent
rate of
aid for
unorganized
territory.

- (b) for treatment of every patient who is an indigent person or the dependent of an indigent person and who has actually resided in unorganized territory for the period of three months within the five months next prior to admission to a sanatorium at the rate of \$2 per day for every day that such patient is receiving treatment in the sanatorium.

Commence-
ment of
section.

(2) This section shall have effect from the 1st day of April, 1932.

1931, c. 78,
amended.

39.—(1) *The Public Hospitals Act, 1931*, is amended by adding thereto the following section:

40a. Any action against any hospital or any person for anything done or purporting to be done in pursuance of this Act brought by or on behalf of any person who has been admitted as a patient in such hospital and has been discharged therefrom shall be commenced within two years after his discharge. Limitation of action.

(2) Section 41 of *The Public Hospitals Act, 1931*, is 1931, c. 78, amended by striking out the figures "1929" in the last line s. 41, and inserting in lieu thereof the figures "1930". amended.

40. Wherever in chapter 109 of the statutes of Ontario, 1931, c. 109, being *An Act respecting the Municipality of Neebing*, the word "township" occurs with reference to the said municipality the same shall be struck out and the word "municipality" inserted in lieu thereof and the said Act shall be construed as if reference had been made therein to the municipality of Neebing from the time when the provisions of the said Act came into force. amended.

41. The council of the corporation of the township of Harwich may apply any grants or contributions made towards the cost of certain works undertaken under the authority of its by-laws numbers 2680 and 2736 in payment of the whole or any portion of the special assessments levied upon the properties liable for the cost of the said works in any one or more of the years during which such assessments are payable. Application of proceeds of certain debentures by Township of Harwich.

42.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to guarantee the payment on behalf of Ontario of the debentures amounting to \$57,000 issued or to be issued by the corporation of the town of Sturgeon Falls under the authority of by-laws of the said corporation. Authority to guarantee certain debentures.

(2) The form of guaranty and the manner of its execution shall be determined by the Lieutenant-Governor in Council. Form of guaranty.

43. The consent given by the Governors of the University of Toronto under date of the 18th day of December, 1931, to the assignment by way of mortgage of certain leases by the Board of Regents of Victoria University, is hereby ratified and confirmed and declared to be legal, valid and binding. Consent of University to assignment of Victoria College leases.

44. The Order-in-Council approved by the Honourable the Administrator for the Province of Ontario and dated the 29th day of January, A.D. 1932, relating to the Sandwich, Windsor and Amherstburg Railway and all things made, done and performed pursuant thereto are confirmed and shall Confirmation of Order-in-Council.

be deemed to be and since the said date to have been valid and binding.

Equalized
assessment
of York
County.

45.—(1) Notwithstanding the provisions of *The Assessment Act* the council of the corporation of the County of York may by by-law provide that for the purposes of all county rates the equalized assessment of the said county shall for the purposes of taxation in each of the years 1933, 1934 and 1935 remain fixed and as equalized for the purposes of taxation in the said year 1933 under the authority of its by-law number 1696.

Method of
determining
equalization
in future
years.

(2) Notwithstanding the provisions of sections 88 and 89 of the said Act, the council of the corporation of the said county may by by-law provide for establishing the method for determining the equalized assessment of the said county for the year 1936 and subsequent years.

Vote on
passing of
by-laws.

(3) No by-law shall be passed under the provisions of subsection 2 except by a vote of two-thirds of all the votes of the members of the council, and with the like vote any such by-law may be amended or repealed.

Commence-
ment of
Act.

46. Except as otherwise herein provided, this Act shall come into force on the day upon which it receives the Royal Assent.

BILL

The Statute Law Amendment Act, 1932.

1st Reading

March 21st, 1932

2nd Reading

March 22nd, 1932

3rd Reading

March 25th, 1932

MR. PRICE

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

The Insurance (Temporary Provisions) Act, 1932.

MR. PRICE

No. 131

1932

BILL

The Insurance (Temporary Provisions) Act, 1932.

Preamble.

WHEREAS on an appeal to His Majesty in his Privy Council it has been declared that the regulation of the business of insurance is a matter of Provincial and not Dominion jurisdiction; and whereas by reason of that decision the existing laws of the province relating to insurance require revision, and it is expedient to empower the Lieutenant-Governor in Council pending such revision to make orders and regulations by way of temporary provision;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Insurance (Temporary Provisions) Act, 1932*.

Temporary provisions.

2. The Lieutenant-Governor in Council shall have power to do and authorize such acts and things and to make from time to time such orders and regulations as he may deem necessary or advisable with respect to the business of insurance, and for the licensing or other authorization and regulation of insurers, and for amending, suspending, repealing or adding to any provision of *The Insurance Act* or any other Act of the Legislature relating to insurance.

General powers as to enforcement.

3. All orders and regulations made under this Act shall have the force of law, and shall be enforced in such manner and by such courts, officers and authorities as the Lieutenant-Governor in Council may prescribe, and may be varied, extended or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder, shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by such variation, extension or revocation.

Penalties.

4. The provisions of section 77 of *The Insurance Act* prescribing penalties for violation thereof shall apply to the violation of any order or regulation made under the authority of this Act.

Commence-
ment of Act.

Term of
Act.

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation and, when proclaimed, it and the orders and regulations made thereunder shall have effect until the next session of the Legislature is prorogued.

BILL

The Insurance (Temporary Provisions)
Act, 1932.

1st Reading

March 21st, 1932

2nd Reading

3rd Reading

MR. PRICE

No. 131

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

The Insurance (Temporary Provisions) Act, 1932.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Insurance (Temporary Provisions) Act, 1932.

Preamble.

WHEREAS on an appeal to His Majesty in his Privy Council it has been declared that the regulation of the business of insurance is a matter of Provincial and not Dominion jurisdiction; and whereas by reason of that decision the existing laws of the province relating to insurance require revision, and it is expedient to empower the Lieutenant-Governor in Council pending such revision to make orders and regulations by way of temporary provision;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Insurance (Temporary Provisions) Act, 1932.*

Temporary provisions.

2. The Lieutenant-Governor in Council shall have power to do and authorize such acts and things and to make from time to time such orders and regulations as he may deem necessary or advisable with respect to the business of insurance, and for the licensing or other authorization and regulation of insurers, and for amending, suspending, repealing or adding to any provision of *The Insurance Act* or any other Act of the Legislature relating to insurance.

General powers as to enforcement.

3. All orders and regulations made under this Act shall have the force of law, and shall be enforced in such manner and by such courts, officers and authorities as the Lieutenant-Governor in Council may prescribe, and may be varied, extended or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder, shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by such variation, extension or revocation.

4. The provisions of section 77 of *The Insurance Act*^{Penalties.} prescribing penalties for violation thereof shall apply to the violation of any order or regulation made under the authority of this Act.

5. This Act shall come into force on a day to be named^{Commence-}
by the Lieutenant-Governor by his proclamation and, when^{ment of Act.}
proclaimed, it and the orders and regulations made thereunder^{Term of}
shall have effect until the next session of the Legislature is^{Act.}
prorogued.

BILL

The Insurance (Temporary Provisions)
Act, 1932.

1st Reading

March 21st, 1932

2nd Reading

March 22nd, 1932

3rd Reading

March 25th, 1932

MR. PRICE

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Amusements Tax Act.

MR. DUNLOP

No. 132

1932

BILL

An Act to amend The Amusements Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Amusements Tax Act, 1932*.

Rev. Stat.,
c. 32, s. 1,
cl. b,
repealed.

2. The clause lettered *b* in section 1 of *The Amusements Tax Act* is repealed and the following substituted therefor:

"Place of
amuse-
ment."

(b) "Place of amusement" shall mean and include theatre, moving picture hall, dance hall, amusement hall, concert hall, music hall, circus, race-course, baseball park, athletic park, amusement park, including all attractions and rides, skating rink, or other place where an exhibition or entertainment is given or amusement provided, or facilities are provided therefor, or game played and an entrance fee is charged or fee collected through the sale of tickets or otherwise, or where after admission a charge is made or fee collected, and any hotel, restaurant, dining room or other place where dances are held or facilities for dancing provided or a performance or entertainment is given before, during or after the service of meals or refreshments.

Rev. Stat.,
c. 32, s. 2,
repealed.

3. Section 2 of *The Amusements Tax Act* is repealed and the following substituted therefor:

Tax on
persons
attending
place of
amusement.

2. Every person attending at a place of amusement shall pay to His Majesty for the use of Ontario a tax of not less than one cent and not more than fifty cents, to be collected as herein provided.

Rev. Stat.,
c. 32, s. 6,
repealed.

4. Section 6 of *The Amusements Tax Act* is repealed and the following substituted therefor:

Penalty for
evading tax.

6. Every person who, without having previously paid the tax provided for by this Act attends a place of

EXPLANATORY NOTES

Section 2. This widens the definition of "place of amusement" and renders it unnecessary to speak of "attending a performance" which is not an apt expression in this connection.

Section 3. The present maximum is twenty-five cents. The new section increases the maximum to fifty cents.

Section 4. The new section omits the words "for the purposes of attending a performance" after the word "Ontario," this expression having the effect of placing the onus of proof upon the Province.

amusement in Ontario shall incur a penalty of not less than \$10 nor more than \$200.

Rev. Stat.,
c. 32, s. 7,
repealed.

5. Section 7 of *The Amusements Tax Act* is repealed and the following substituted therefor:

Penalty for
non-
collection.

7. Every owner or licensee of a place of amusement and every employee of an owner or licensee of a place of amusement, who permits or authorizes, or is a party or privy to, the attendance of any person at a place of amusement, without payment of the tax provided for by this Act, or who uses or resells a ticket which should have been destroyed, or who contravenes any of the provisions of this Act or the regulations passed pursuant thereto, shall incur a penalty of not less than \$20 and not more than \$500.

Rev. Stat.,
c. 32, s. 9,
repealed.

6. Section 9 of *The Amusements Tax Act* is repealed and the following substituted therefor:

Regulations.

9. The Lieutenant-Governor in Council may make such regulations as may be deemed expedient for the purpose of carrying into effect the provisions of this Act and may, subject to the provisions of section 2, fix the tax to be paid by persons attending a place of amusement, and may exclude from the operation of the Act any class or classes of amusement and may make regulations for refunding the tax or for an allowance for tax tickets burned, spoiled or rendered useless or unfit for the purpose intended, or for which the owner may have no immediate use.

Rev. Stat.,
c. 32, s. 11,
repealed.

7. Section 11 of *The Amusements Tax Act* is repealed.

Commence-
ment of Act.

8. This Act shall come into force on the 1st day of May, 1932.

Section 5. The new section makes a reasonable increase in the minimum and maximum penalties. There is a wide range in the nature of penalties which may be committed against the Act and this accounts for the difference between the minimum and maximum penalties.

Section 6. The Act as it stands at present gives the Lieutenant-Governor in Council power to exclude from the operation of the Act any class or classes of amusements. It is thought better that there should be power to refund the tax when it is shown that the entertainment was held for charitable or patriotic purposes.

Section 7. The section which it is proposed to repeal provides that the Act shall not apply, save as to complimentary admissions, to any person paying not more than twenty-five cents in all for admission, reserved seat and other charge.

BILL

An Act to amend The Amusements
Tax Act

1st Reading

March 21st, 1932

2nd Reading

3rd Reading

MR. DUNLOP

No. 132

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Amusements Tax Act.

MR. DUNLOP

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 132

1932

BILL

An Act to amend The Amusements Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Amusements Tax Act, 1932*.

Rev. Stat.,
c. 32, s. 1,
cl. b,
repealed.

2. The clause lettered *b* in section 1 of *The Amusements Tax Act* is repealed and the following substituted therefor:

"Place of
amuse-
ment."

(b) "Place of amusement" shall mean and include theatre, moving picture hall, dance hall, amusement hall, concert hall, music hall, circus, race-course, baseball park, athletic park, amusement park, including all attractions and rides, skating rink, or other place where an exhibition or entertainment is given or amusement provided, or facilities are provided therefor, or game played and an entrance fee is charged or fee collected through the sale of tickets or otherwise, or where after admission a charge is made or fee collected, and any hotel, restaurant, dining room or other place where dances are held or facilities for dancing provided or a performance or entertainment is given before, during or after the service of meals or refreshments.

Rev. Stat.,
c. 32, s. 2,
repealed.

3. Section 2 of *The Amusements Tax Act* is repealed and the following substituted therefor:

Tax on
persons
attending
place of
amusement.

2. Every person attending at a place of amusement shall pay to His Majesty for the use of Ontario a tax of not less than one cent and not more than fifty cents, to be collected as herein provided, but the Lieutenant-Governor in Council may exempt from the provisions of this Act any person attending a place of amusement and paying not more than twenty-five cents.

Rev. Stat.,
c. 32, s. 6,
repealed.

4. Section 6 of *The Amusements Tax Act* is repealed and the following substituted therefor:

6. Every person who, without having previously paid the tax provided for by this Act, attends a place of amusement in Ontario shall incur a penalty of not less than \$10 nor more than \$200. Penalty for evading tax.
5. Section 7 of *The Amusements Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 32, s. 7, repealed.
7. Every owner or licensee of a place of amusement and every employee of an owner or licensee of a place of amusement, who permits or authorizes, or is a party or privy to, the attendance of any person at a place of amusement, without payment of the tax provided for by this Act, or who uses or resells a ticket which should have been destroyed, or who contravenes any of the provisions of this Act or the regulations passed pursuant thereto, shall incur a penalty of not less than \$20 and not more than \$500. Penalty for non-collection.
6. Section 9 of *The Amusements Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 32, s. 9, repealed.
9. The Lieutenant-Governor in Council may make such regulations as may be deemed expedient for the purpose of carrying into effect the provisions of this Act and may, subject to the provisions of section 2, fix the tax to be paid by persons attending a place of amusement, and may exclude from the operation of the Act any class or classes of amusement and may make regulations for refunding the tax or for an allowance for tax tickets burned, spoiled or rendered useless or unfit for the purpose intended, or for which the owner may have no immediate use. Regulations.
7. Section 11 of *The Amusements Tax Act* is repealed. Rev. Stat., c. 32, s. 11, repealed.
8. This Act shall come into force on the 1st day of May, 1932. Commencement of Act.

BILL

An Act to amend The Amusements
Tax Act

1st Reading

March 21st, 1932

2nd Reading

March 22nd, 1932

3rd Reading

March 25th, 1932

MR. DUNLOP

No. 133

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Gasoline Tax Act.

MR. MACAULAY

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 133

1932

BILL

An Act to amend The Gasoline Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Gasoline Tax Act, 1932*.

Rev. Stat.,
c. 55, s. 2,
amended.

2. Section 2 of *The Gasoline Tax Act* as amended by section 2 of *The Gasoline Tax Act, 1929*, is further amended by striking out the words "five cents" where they appear in the sixth line and substituting therefor the words "six cents" so that the section shall now read as follows:

Tax
payable by
purchaser.

(2) For the purpose of providing for a fair contribution by the users of roads in Ontario towards the cost of the construction and maintenance thereof, every purchaser shall pay to the Minister for the use of His Majesty in the right of the Province of Ontario, a charge or tax at the rate of six cents a gallon on all gasoline purchased or delivery of which is received by him.

Commence-
ment of Act.

3. This amendment shall have effect as from the 23rd day of March, 1932.

BILL

An Act to amend The Gasoline Tax Act.

1st Reading

March 21st, 1932

2nd Reading

3rd Reading

MR. MACAULAY

No. 133

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Gasoline Tax Act.

MR. MACAULAY

No. 133

1932

BILL

An Act to amend The Gasoline Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Gasoline Tax Act, 1932*.

Rev. Stat.,
c. 55, s. 2,
amended. **2.** Section 2 of *The Gasoline Tax Act* as amended by section 2 of *The Gasoline Tax Act, 1929*, is further amended by striking out the words "five cents" where they appear in the fifth line and substituting therefor the words "six cents" so that the section shall now read as follows:

Tax
payable by
purchaser. (2) For the purpose of providing for a fair contribution by the users of roads in Ontario towards the cost of the construction and maintenance thereof, every purchaser shall pay to the Minister for the use of His Majesty in the right of the Province of Ontario, a charge or tax at the rate of six cents a gallon on all gasoline purchased or delivery of which is received by him.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent and shall take effect as from the 24th day of March, 1932.

BILL

An Act to amend The Gasoline Tax Act.

1st Reading

March 21st, 1932

2nd Reading

March 22nd, 1932

3rd Reading

March 25th, 1932

MR. MACAVULAY

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Municipal Act.

MR. McARTHUR

No. 134

1932

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 233, s. 515,
amended.

1. Section 515 of *The Municipal Act* is amended by adding thereto the following subsection:

Power of
Municipal
Board to
increase area
on failure of
county to
act.

- (4) Where a petition has been presented to increase the area of a police village as provided in subsection 1 or 2 hereof and is sufficiently signed and the council of the county does not at its next meeting after the presentation of the petition pass a by-law increasing the area of the said police village, application may be made to the Ontario Municipal Board for an order increasing the area as requested in the said petition and the Board, upon being satisfied that the petition has been duly signed and presented to the council and that the council has failed to act, may make an order increasing the area of the said police village by adding to it any adjoining land as described in the said petition, provided, however, that the addition does not exceed the limitation as set out in subsections 1 and 2, respectively, or include land in another county if the consent of the council of that county has not been obtained.

EXPLANATORY NOTES

Under the present provisions of the Act the Railway and Municipal Board have the power to erect a locality into a police village where the council, after sufficient petition has been presented, has failed to act.

With regard to extending the boundaries of a police village, if the council have failed to act there is no appeal to the Board. By the proposed amendment authority will be given to the Board to extend the boundaries.

BILL

An Act to amend The Municipal Act.

1st Reading

March 21st, 1932

2nd Reading

3rd Reading

MR. MCARTHUR

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V 1932

BILL

An Act to amend The power Commission Act.

MR. MORRISON

No. 135.

1932

BILL

An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Power Commission Act, 1932, No. 2.*

Rev. Stat.,
c. 57, s. 80,
subs. 1, cl. a,
amended. **2.**—(1) Clause *a* of subsection 1 of section 80 of *The Power Commission Act* is amended by inserting the words “articles and things and other” before the word “works” in the third line, so that the clause shall now read as follows:

Construction
of works, etc. (a) prescribing the design, construction, installation, protection, use, maintenance, repair, extension, alteration, connection and disconnection of all articles and things and other works and matters used or to be used in the generation, transformation, transmission, distribution, delivery or use of electrical power or energy in Ontario.

Rev. Stat.,
c. 57, s. 80,
subs. 1,
amended. (2) Subsection 1 of the said section 80 is amended by adding thereto the following clauses:

Licensing
of electrical
dealers and
workers. (e) licensing, regulating, defining and governing electrical dealers and also electrical contractors, electragists, journeymen electricians, electrical workers and other electricians in any municipality where prior to the enactment of this clause a by-law has been passed for the licensing of electrical workers under *The Municipal Act*;

Carrying on
business
without
license pro-
hibited. (f) prohibiting any person, firm or corporation from carrying on business as an electrical dealer or electrician in any of such municipalities;

Bonding of
electrical
dealers and
workers. (g) requiring the bonding of electrical dealers and electricians in such municipalities and prescribing the terms and conditions of such bonds;

EXPLANATORY NOTES

Section 80 of *The Power Commission Act* was enacted several years ago for the purpose of giving to the Power Commission control of electrical equipment and operation.

The Bill amends section 80 in the following respects:

- (i) makes it certain that all electrical appliances are included in clause (a);
- (ii) provides for the licensing of persons dealing in electrical appliances and also electrical contractors and journeymen electricians in any municipality where a by-law is now in force for licensing electrical workers under *The Municipal Act*
- (iii) provides that the Commission may prohibit any persons, firm or corporation from carrying on business as an electrical dealer or electrician in any of such municipalities and requires the bonding of electrical dealers and electricians in such municipalities.

Conditions under which permits and licenses may be granted, etc.

- (h) prescribing the conditions upon which any permits and licenses under this subsection may be granted, suspended or cancelled.

Rev. Stat., c. 57, s. 80, subs. 5, amended.

- (3) Subsection 5 of the said section 80 is amended by inserting the words "and licenses" after the word "permits" in the second line so that the subsection shall now read as follows:

Fees for permits, licenses, inspection, test and approval.

- (5) The Commission may prescribe the fees to be paid for permits and licenses and for inspection, test and approval of all such works and matters mentioned in subsection 1 and of plans and specifications relating thereto, and may prescribe also the time and manner of payment of such fees.

Rev. Stat., c. 57, s. 80, subs. 9, amended.

- (4) Subsection 9 of the said section 80 is amended by adding thereto the following clauses:

Penalty for carrying on business without license;

- (d) carrying on business as an electrical dealer or electrician without a license in any municipality where prior to the passing of this Act a by-law has been passed for the licensing of electrical workers under *The Municipal Act*, shall incur a penalty of not less than \$10 and not more than \$50;

employing unlicensed person;

- (e) employing any person who is without a license as an electrical dealer or electrician or to do anything forming part of the business of an electrician in any such municipality, shall incur a penalty of not less than \$10 and not more than \$50, but this clause shall not apply to an apprentice of a licensed, electrician;

Second and subsequent offences.

- (f) being convicted a second time for anything mentioned in clauses *a*, *b*, *d* or *e* shall incur a penalty of not less than \$50 and not more than \$100, and for a third and subsequent convictions shall incur a penalty of not less than \$100 and not more than \$200 for each such conviction.

Rev. Stat., c. 57, s. 80, amended.

- (5) The said section 80 is further amended by adding thereto the following subsection:

Effect of municipal by-law.

- (13) Any municipal by-law heretofore or hereafter passed by the council of a city, town or village concerning any of the matters mentioned in subsection 1 shall have effect only in so far as the same is not repugnant to any of the provisions of this section or the rules and regulations made hereunder.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which
it receives the Royal Assent.

BILL

An Act to amend The Power Commission Act.

1st Reading

March 21st, 1932

2nd Reading

3rd Reading

MR. MORRISON

No. 136

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Mining Tax Act.

MR. MCCREA

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 136

1932

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title. **1.** This Act may be cited as *The Mining Tax Act, 1932*.
- Rev. Stat.,
c. 28, s. 19,
subs. 4
(1931, c. 8,
s. 2, subs. 2).
repealed. **2.** Subsection 4 of section 19 of *The Mining Tax Act* as enacted by subsection 2 of section 2 of *The Mining Tax Act, 1931*, is repealed.
- Rev. Stat.,
c. 28, s. 46,
subs. 1,
amended. **3.** Subsection 1 of section 46 of *The Mining Tax Act* is amended by striking out the words "ninety per centum" in the seventeenth line and inserting in lieu thereof the words "fifty per centum."
- Commence-
ment of Act. **4.** This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of January, 1932.

EXPLANATORY NOTES

Section 2. In 1931 a subsection was added to section 19 as follows:

- (4) In the event of letters of administration or letters probate not having issued by a surrogate court of the Province of Ontario to the estate of a deceased co-owner at the time of any application made pursuant to the provisions of this section, the Judge of the Mining Court may appoint the Public Trustee to represent the estate of such deceased co-owner and notwithstanding the provisions of *The Devolution of Estates Act* or any other statute in that behalf, an order may be made by the Judge of the Mining Court vesting the interests of the delinquent co-owner or co-owners in the co-owner or co-owners who have paid such taxes, and the same shall be valid and binding upon all beneficiaries or other persons interested in such estate.

There has been much exception taken to this subsection because it might lead to co-owners being deprived of their rights without ever knowing what was going on.

Section 3. Under *The Mining Tax Act*, a tax of two cents per thousand cubic feet is imposed upon natural gas and where the gas is used in Canada a rebate is allowed of ninety per cent., reducing the tax to a net figure of two-tenths of a cent per thousand cubic feet. The amendment raises the net tax to one cent per thousand cubic feet.

Section 4. The tax in any one year is payable on the production of the previous year. It accrues due on the 1st day of January and is payable on the 1st day of October. This section makes it clear that the tax on gas produced in 1931 is payable at the increased rate in 1932.

BILL

An Act to amend The Mining Tax Act.

1st Reading

March 21st, 1932

2nd Reading

3rd Reading

MR. MCCREA

No. 136

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Mining Tax Act.

MR. MCCREA

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 136

1932

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Mining Tax Act, 1932*.

Rev. Stat.,
c. 28, s. 19,
subs. 4
(1931, c. 8,
s. 2, subs. 2),
repealed.

2. Subsection 4 of section 19 of *The Mining Tax Act* as enacted by subsection 2 of section 2 of *The Mining Tax Act, 1931*, is repealed, but nothing in this Act contained shall prejudice or affect any application now pending before the Judge of the Mining Court under the said subsection, and every such application shall be heard and determined as if the said subsection was still in force.

Rev. Stat.,
c. 28, s. 46,
subs. 1,
amended.

3. Subsection 1 of section 46 of *The Mining Tax Act* is amended by striking out the words "ninety per centum" in the seventeenth line and inserting in lieu thereof the words "fifty per centum."

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent and as to section 3 hereof shall have effect as from the 1st day of January, 1932.

An Act to amend The Mining Tax Act.

1st Reading

March 21st, 1932

2nd Reading

March 23rd, 1932

3rd Reading

March 25th, 1932

MR. MCCREA

No. 137

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Game and Fisheries Act.

MR. MCCREA

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 137

1932

BILL

An Act to amend The Game and Fisheries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Game and Fisheries Act, 1932*.

Rev. Stat.,
c. 318, s. 7,
cl. d,
amended.

2. The clause lettered *d* in section 7 of *The Game and Fisheries Act* is amended by inserting the word "ptarmigan" after the words "pinnated grouse" in the sixth and seventh lines.

Rev. Stat.,
c. 318, s. 8,
subs. 1,
amended.

3. Subsection 1 of section 8 of *The Game and Fisheries Act* is amended by striking out the words "goshawks, sharp-shinned hawks, great-horned owls" in the fifth and sixth lines and inserting in lieu thereof the words "hawks, owls."

Rev. Stat.,
c. 318, s. 10,
subs. 2,
amended.

4. Subsection 2 of section 10 of *The Game and Fisheries Act* as amended by section 6 of *The Game and Fisheries Act, 1930*, is further amended by striking out all the words after the word "wolf" in the seventh line.

Rev. Stat.,
c. 318, s. 11,
amended.

5. Section 11 of *The Game and Fisheries Act* as amended by section 5 of *The Game and Fisheries Act, 1928*, is further amended by adding thereto the following subsection:

Selling
muskrat, etc.

(5) Notwithstanding anything in this Act contained it shall be lawful for any person having received a permit from the department for that purpose, to have in his possession and to buy or sell muskrat, beaver, raccoon and bear provided that the same have been taken in a lawful manner and in the proper open season.

Rev. Stat.,
c. 318,
amended.

6. *The Game and Fisheries Act* is amended by adding thereto the following section:

EXPLANATORY NOTES

Section 2. This amendment will have the effect of providing a measure of protection by establishing an entire close season on ptarmigan.

Section 3. This amendment would remove restrictions at present provided, and permit the taking of all species of hawks and owls.

Section 4. The present provisions of subsection 2 of section 10, permit the use of dogs for the taking of foxes during the periods when the open seasons on foxes and deer, moose and caribou coincide. This amendment has the effect of eliminating this permission which is necessary in view of the amendment to section 31 of *The Game and Fisheries Act*, as provided by section 9 of this Bill.

Section 5. From correspondence and inquiries received in the Department it would appear that there is some demand for the carcasses of certain fur-bearing animals for use as food, such as muskrat, beaver, raccoon and bear. Such being the case, it is desirable to provide a permit under which it would be possible to sell at any period of the year (during both close and open seasons) carcasses of the afore mentioned species of fur-bearing animals which had been taken in a legal manner and during the proper open season.

Section 6. This amendment would have the effect of enabling the Department to control especially the possession of gill nets which might be used contrary to the provisions of Game and Fishery Regulations.

Gill nets.

- 16a. It shall be unlawful for any person to buy, sell, or be in possession of gill nets without the authority of a license or permit.

Rev. Stat.,
c. 318, s. 19,
subs. 6
(1929),
c. 82, s. 5),
amended.
Badges
on licensee.

7. Subsection 6 of section 19 of *The Game and Fisheries Act* as enacted by section 5 of *The Game and Fisheries Act, 1929*, is amended by striking out all the words after the word "person" in the fifth line.

Rev. Stat.,
c. 318, s. 25,
amended.

8. Section 25 of *The Game and Fisheries Act* as amended by section 8 of *The Game and Fisheries Act, 1928*, and section 9 of *The Game and Fisheries Act, 1930*, is further amended by striking out the words "and black" inserted in the second line of the last paragraph by the amendment of 1928 and inserting in lieu thereof the words "black and blue."

Rev. Stat.,
c. 318, s. 31
(1931,
c. 69, s. 5),
repealed.

9. Section 31 of *The Game and Fisheries Act* as enacted by section 5 of *The Game and Fisheries Act, 1931*, is repealed and the following substituted therefor:

Restraint
on dogs.

- 31.—(1) It shall be unlawful for any person to use or to be accompanied by a dog while hunting deer, moose or caribou.
- (2) It shall be unlawful for the owner of any dog to permit such dog to run at large in a locality which deer, moose or caribou usually inhabit or in which they are usually found.
- (3) Any person harbouring or claiming to be the owner of such dog shall be deemed to be the owner thereof and any dog found running deer, moose or caribou shall be deemed to be at large with the permission of the owner and may be killed on sight by any person, and he shall not be liable to any penalty or damage therefor.

Rev. Stat.,
c. 318, s. 36,
subs. 2
(1929,
c. 82, s. 8),
repealed.

10. Subsection 2 of section 36 of *The Game and Fisheries Act* as enacted by section 8 of *The Game and Fisheries Act, 1929*, and amended by section 11 of *The Game and Fisheries Act, 1930*, is repealed and the following substituted therefor:

Use of
snare in
certain
counties
prohibited.

- (2) It shall be unlawful for any person to use snares for any purpose in the counties of Victoria, Peterborough, Hastings, Lennox, Addington, Frontenac, Leeds and Grenville.

Rev. Stat.,
c. 318, s. 36,
subs. 3
(1931,
c. 69, s. 6),
repealed.

11. Subsection 3 of section 36 of *The Game and Fisheries Act* as enacted by section 6 of *The Game and Fisheries Act, 1931*, is repealed and the following substituted therefor:

Section 7. It having been decided that badges are not to be issued with hunting licenses, this amendment rescinds the provision which requires that the wearing of such badges is necessary during hunting operations.

Section 8. This amendment has the effect of including the pelts of blue foxes raised on licensed fur farms among the pelts upon which royalty would not be collected.

Section 9. Subsection 1 of the new section 31 prohibits the use of dogs for the hunting of deer, moose or caribou in all sections of the Province.

Subsection 2 provides that it is unlawful for the owner to permit dogs to run at large in areas in which deer, moose or caribou are usually found.

Subsection 3 provides that any dog found running deer, moose or caribou may be killed on sight by any person without liability or damage.

Section 10. This amendment has the effect of including the county of Victoria in the list of counties in which the use of snares is prohibited, and enumerates the counties in their order of geographical location.

Section 11. This amendment specifically prohibits the use of the hands in the actual taking of rabbits when ferrets are used in connection with the hunting of these animals. (In accordance with 1931 recommendation of Fish and Game Committee).

Hunting
rabbits.

- (3) It shall be unlawful for any person when using ferrets in the hunting of rabbits to make use of, in addition to a ferret, the hands or any contrivance whatever other than a firearm in the actual taking of rabbits at such time.

Rev. Stat.,
c. 318, s. 45,
subs. 1,
amended.

12. Subsection 1 of section 45 of *The Game and Fisheries Act* is amended by striking out the words "It shall be unlawful for any person to take fish by any means in any waters protected by this Act" at the commencement of the said subsection and inserting in lieu thereof the words "It shall be unlawful for any person to angle for or take fish by any means from any waters protected by this Act," so that the subsection shall now read as follows:

Fishing in
protected
waters
prohibited.

- (1) It shall be unlawful for any person to angle for or take fish by any means from any waters protected by this Act and the regulations, or in waters set apart for the propagation of fish, but this shall not apply to the taking of fish under authority given by the department for the stocking and rearing of fish for public waters.

Rev. Stat.,
c. 318, s. 59,
amended.

13. Section 59 of *The Game and Fisheries Act* as amended by section 9 of *The Game and Fisheries Act, 1928*, and section 10 of *The Game and Fisheries Act, 1929*, is further amended by adding thereto the following subsection:

Arms and
accountre-
ment.

- (12) Upon permit being granted therefor by the Minister or Deputy Minister it shall be lawful for officers appointed under subsection 1 of this section and in possession of such permit to carry arms and accountrement for the purpose of self-defence.

Commence-
ment of Act.

14. This Act shall come into force on the 1st day of June, 1932.

Section 12. Subsection 1 of section 45 as it stands at present provides that it shall be unlawful to *take* fish from protected waters. In order to remove doubt the section is amended to provide that it shall be illegal to angle or fish by any means in such protected waters.

Section 13. Many overseers of the Game and Fisheries Department are now supplied with uniforms and revolvers, the latter for use solely for the purposes of self-defence.

The attention of the Department has been drawn to the fact that these overseers are enforcement officers only and as such have no authority to be in possession of revolvers, even for the purpose of self-defence.

It would appear to be desirable to provide this authority to carry revolvers for this purpose.

BILL

An Act to amend The Game and
Fisheries Act.

1st Reading

March 21st, 1932

2nd Reading

3rd Reading

MR. MCCREA

No. 137

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Game and Fisheries Act.

MR. MCCREA

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 137

1932

BILL

An Act to amend The Game and Fisheries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Game and Fisheries Act, 1932*.

Rev. Stat.,
c. 318, s. 2,
amended. **2.** Section 2 of *The Game and Fisheries Act* as amended by sections 2 and 3 of *The Game and Fisheries Act, 1930*, and section 2 of *The Game and Fisheries Act, 1931*, is further amended by adding thereto the following clause:

"Dog" (cc) "Dog" shall mean any dog, male or female.

Rev. Stat.,
c. 318, s. 7,
cl. d,
amended. **3.** The clause lettered *d* in section 7 of *The Game and Fisheries Act* is amended by inserting the word "ptarmigan" after the words "pinnated grouse" in the sixth and seventh lines.

Rev. Stat.,
c. 318, s. 8,
subs. 1,
amended. **4.** Subsection 1 of section 8 of *The Game and Fisheries Act* is amended by striking out the words "goshawks, sharp-shinned hawks, great-horned owls" in the fifth and sixth lines and inserting in lieu thereof the words "hawks, owls."

Rev. Stat.,
c. 318, s. 10,
subs. 2,
amended **5.** Subsection 2 of section 10 of *The Game and Fisheries Act* as amended by section 6 of *The Game and Fisheries Act, 1930*, is further amended by striking out all the words after the word "wolf" in the seventh line.

Rev. Stat.,
c. 318, s. 11,
amended. **6.** Section 11 of *The Game and Fisheries Act* as amended by section 5 of *The Game and Fisheries Act, 1928*, is further amended by adding thereto the following subsection:

Selling
muskrat, etc. (5) Notwithstanding anything in this Act contained it shall be lawful for any person having received a permit from the Department for that purpose, to have in his possession and to buy or sell muskrat, beaver, raccoon and bear provided that the same have been taken in a lawful manner and in the proper open season.

7. *The Game and Fisheries Act* is amended by adding thereto the following section: Rev. Stat., c. 318, amended.

16a. It shall be unlawful for any person to buy, sell, or be in possession of gill nets without the authority of a license or permit. Gill nets.

8. Subsection 6 of section 19 of *The Game and Fisheries Act* as enacted by section 5 of *The Game and Fisheries Act, 1929*, is amended by striking out all the words after the word "person" in the fifth line. Rev. Stat., c. 318, s. 19, subs. 6 (1929), amended.

Badges on licensee.

9. Section 25 of *The Game and Fisheries Act* as amended by section 8 of *The Game and Fisheries Act, 1928*, and section 9 of *The Game and Fisheries Act, 1930*, is further amended by striking out the words "and black" inserted in the second line of the last paragraph by the amendment of 1928 and inserting in lieu thereof the words "black and blue." Rev. Stat., c. 318, s. 25, amended.

10. Section 31 of *The Game and Fisheries Act* as enacted by section 5 of *The Game and Fisheries Act, 1931*, is repealed and the following substituted therefor: Rev. Stat., c. 318, s. 31 (1931), c. 69, s. 5, repealed.

31.—(1) It shall be unlawful for any person to use or to be accompanied by a dog while hunting deer, moose or caribou. Restraint on dogs.

(2) It shall be unlawful for the owner of any dog to permit such dog to run at large in a locality which deer, moose or caribou usually inhabit or in which they are usually found.

(3) Any person harbouring or claiming to be the owner of such dog shall be deemed to be the owner thereof and any dog found running deer, moose or caribou shall be deemed to be at large with the permission of the owner and may be killed on sight by any person, and he shall not be liable to any penalty or damage therefor.

11. Subsection 2 of section 36 of *The Game and Fisheries Act* as enacted by section 8 of *The Game and Fisheries Act, 1929*, and amended by section 11 of *The Game and Fisheries Act, 1930*, is repealed and the following substituted therefor: Rev. Stat., c. 318, s. 36, subs. 2 (1929), repealed.

(2) It shall be unlawful for any person to use snares for any purpose in the counties of Victoria, Peterborough, Hastings, Lennox, Addington, Frontenac, Leeds and Grenville. Use of snares in certain counties prohibited.

Rev. Stat.,
c. 318, s. 36,
subs. 3
(1931,
c. 69, s. 6),
repealed.

12. Subsection 3 of section 36 of *The Game and Fisheries Act* as enacted by section 6 of *The Game and Fisheries Act, 1931*, is repealed and the following substituted therefor:

Hunting
rabbits.

- (3) It shall be unlawful for any person when using ferrets in the hunting of rabbits to make use of, in addition to a ferret, the hands or any contrivance whatever other than a firearm in the actual taking of rabbits at such time.

Rev. Stat.,
c. 318, s. 45,
subs. 1,
amended.

13. Subsection 1 of section 45 of *The Game and Fisheries Act* is amended by striking out the words "It shall be unlawful for any person to take fish by any means in any waters protected by this Act" at the commencement of the said subsection and inserting in lieu thereof the words "It shall be unlawful for any person to angle for or take fish by any means from any waters protected by this Act," so that the subsection shall now read as follows:

Fishing in
protected
waters
prohibited.

- (1) It shall be unlawful for any person to angle for or take fish by any means from any waters protected by this Act and the regulations, or in waters set apart for the propagation of fish, but this shall not apply to the taking of fish under authority given by the department for the stocking and rearing of fish for public waters.

Rev. Stat.,
c. 318, s. 59,
amended.

14. Section 59 of *The Game and Fisheries Act* as amended by section 9 of *The Game and Fisheries Act, 1928*, and section 10 of *The Game and Fisheries Act, 1929*, is further amended by adding thereto the following subsection:

Arms and
accoutre-
ment.

- (12) Upon permit being granted therefor by the Minister or Deputy Minister it shall be lawful for officers appointed under subsection 1 of this section and in possession of such permit to carry arms and accoutrement for the purpose of self-defence.

Commence-
ment of Act.

15. This Act shall come into force on the 1st day of June, 1932.

BILL

An Act to amend The Game and Fisheries Act.

1st Reading

March 21st, 1932

2nd Reading

March 22nd, 1932

3rd Reading

March 25th, 1932

MR. MCCREA

No. 138

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

The Ontario Loan Act, 1932.

MR. DUNLOP

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 138

1932

BILL

The Ontario Loan Act, 1932.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title. **1.** This Act may be cited as *The Ontario Loan Act, 1932*.
- Loan of \$40,000,000 authorized. **2.** The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding forty million dollars (\$40,000,000) for all or any of the purposes following, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario and for the carrying on of the public works authorized by the Legislature.
- Terms to be fixed by Lieutenant-Governor. **3.** The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.
- Sinking fund. **4.** The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 2 of section 3 of *The Provincial Loans Act*.
- Rev. Stat., c. 23. **5.** This Act shall come into force on the day upon which it receives the Royal Assent.
- Commencement of Act.

BILL

The Ontario Loan Act, 1932.

1st Reading

March 22nd, 1932

2nd Reading

3rd Reading

MR. DENLOP

No. 138

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

The Ontario Loan Act, 1932.

MR. DUNLOP

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Ontario Loan Act, 1932.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Ontario Loan Act, 1932*.

Loan of
\$40,000,000
authorized.

2. The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding forty million dollars (\$40,000,000) for all or any of the purposes following, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario and for the carrying on of the public works authorized by the Legislature.

Terms to be
fixed by
Lieutenant-
Governor.

3. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking
fund.

4. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 2 of section 3 of *The Provincial Loans Act*.

Rev. Stat.,
c. 23.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

The Ontario Loan Act, 1932.

1st Reading

March 22nd, 1932

2nd Reading

March 23rd, 1932

3rd Reading

March 25th, 1932

MR. DUNLOP

No. 139

3RD SESSION, 18TH LEGISLATURE ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Mechanics' Lien Act.

MR. MCBRIEN

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mechanics' Lien Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Mechanics' Lien Act, 1932*.

Rev. Stat.,
c. 173, s. 7,
subs. 3,
repealed.

2. Subsection 3 of section 7 of *The Mechanics' Lien Act* is repealed and the following substituted therefor:

Prior
mortgages.

(3) Where the land and premises upon or in respect of which any work or service is performed, or materials are furnished to be used, is encumbered by a prior mortgage or other charge existing in fact, and upon which money has been actually advanced before any lien arises, such mortgage or other charge shall, to the extent of such advance or advances, have priority over all liens under this Act to the extent of the actual value of such land and premises at the time the first lien arose, such value to be ascertained by the Judge or officer having jurisdiction to try the action by proper evidence to be adduced before him.

Priority of
mortgage for
purchase
price of
land or for
valuable
considera-
tion.

(a) Any mortgage or charge existing in fact for which valuable consideration has been given or for all or any part of the purchase price of any land before any lien arises, shall be deemed to be a prior mortgage within the meaning of subsection 3.

Future
advances on
prior
mortgage.

(b) Any mortgage existing as a valid security, notwithstanding that it is a prior mortgage within the meaning of subsection 3 of section 7, or clause a of subsection 3 of section 7 of this Act, may also secure future advances, where the intention to make such future

EXPLANATORY NOTES


Section 2. The rewritten subsection 3 of section 7 makes it clear that the extent of priority on a prior mortgage is limited to the extent of such advance or advances that have actually been made thereon at the time the first lien arose.

The underlined parts represent the amendment to the old section.

Clause *a* of the new subsection 3 sets out in a declaratory way what the existing state of the law is in so far as a mortgage or charge existing in fact, given for valuable consideration or for part of the purchase price has in the way of priority before any lien arises.

This is a new clause.

Clause *b* of the new subsection 3 makes it clear that any future advances made upon a prior mortgage, where it is the intention to make such future advances thereon, and where the amount is clearly stated in the mortgage, that the provisions of subsection 1 of section 13 shall apply when determining priority, so that where you have a prior mortgage upon which part of the money has been advanced and it is stated therein that the balance amounting to a certain amount is to be advanced in the future as building progresses, that in so far as this mortgage is concerned, these sections make it clear, first, that the money actually advanced at the time the first lien arose shall be upon the actual value of the land at the time such lien arose and the balance of the moneys shall have priority over liens unless there has been notice in writing or registration as provided by subsection 1 of section 13.

 This is a new clause.

advances and the amount thereof is clearly stated in the mortgage, and in all such cases the provisions of subsection 1 of section 13 to the extent of such future advances, shall apply, when determining the priority as between lien claimants and advances so made on such mortgages.

Rev. Stat.,
c. 173, s. 13,
subs. 1,
amended.

Priority
of lien.

3. Subsection 1 of section 13 of *The Mechanics' Lien Act* is amended by adding thereto the following words: "and in the absence of such notice in writing or the registration of a claim for lien all such payments or advances shall have priority over any such lien," so that the subsection shall now read as follows:

13.—(1) The lien shall have priority over all judgments, assignments, attachments, garnishments and receiving orders recovered, issued or made after such lien arises, and over all payments or advances made on account of any conveyance or mortgage, after notice in writing of such lien to the person making such payments or advances or after registration of a claim for such lien as hereinafter provided, and in the absence of such notice in writing or the registration of a claim for lien all such payments or advances shall have priority over any such lien.

Rev. Stat.,
c. 173, s. 13,
amended.

4. The said section 13 is further amended by adding thereto the following subsection:

Mortgage
given to
person
entitled to
lien void as
against lien
holders.

(3) Any conveyance, mortgage or charge of or on land given to any person entitled to a lien thereon under this Act in payment of or as security for any such claim, whether given before or after such lien claim has arisen, shall, as against other parties entitled to liens under this Act, on any such land be deemed to be fraudulent and void.

Rev. Stat.,
c. 173, s. 22,
amended.

5. Section 22 of *The Mechanics' Lien Act* is amended by adding thereto the following subsection:

Vacating
certificate
registered
for 2 years
or more.

(2) Where a certificate of action has been registered for two years or more in the registry office or land titles office as the case may be, and no appointment has been taken out for the trial of such action, any interested party may apply *ex parte* to a judge or officer who has jurisdiction to try the action who may make an order vacating such certificate of action.

Section 3. The underlined words constitute the amendment and are put in for the purpose of improving the section and making it clearer.

Section 4. This is new and makes fraudulent and void any mortgage or charge given to any person entitled to a lien as against other parties entitled to liens. It often happens that supply men and others entitled to liens obtained preference by having a mortgage executed in their favour for material or work done on the building.

Section 5. This amendment allows an application to be made by any interested party to the judge or officer having jurisdiction for an order vacating a certificate of action which has been registered in the registry office for two years or more.

Often the titles are cluttered up with old certificates of action which have never been acted upon and which are virtually dead.

Rev. Stat.,
c. 173, s. 25,
subs. 4 (a),
amended.

6. The clause lettered *a* in subsection 4 of section 25 of *The Mechanics' Lien Act* is amended by adding after the word "court" in the first line, the words "or any bond or other security satisfactory to the judge or officer having jurisdiction," so that the said clause shall now read as follows:

Security
or payment
into court.

- (a) Any money so paid into court or any bond or other security for securing the like amount and satisfactory to the judge or officer having jurisdiction, shall take the place of the property discharged and subject to the claims of all persons for liens to the same extent as if such money was realized by a sale of such property in an action to enforce the lien.

Rev. Stat.,
c. 173, s. 32,
subs. 1,
amended.

7. Subsection 1 of section 32 of *The Mechanics' Lien Act* is amended by adding thereto the following words: "including power to set aside a fraudulent conveyance or fraudulent mortgage, or a mortgage which amounts to a preference within the meaning of the *Dominion Bankruptcy Act*, or of the provincial *Assignments and Preferences Act*," so that the said subsection shall now read as follows:

Powers of
certain
officers.

- (1) The Master, Assistant Master and the county or district judge, in addition to their ordinary powers shall have all the jurisdiction, powers and authority of the Supreme Court to try and completely dispose of the action and questions arising therein, including power to set aside a fraudulent conveyance or fraudulent mortgage, or a mortgage which amounts to a preference within the meaning of the *Dominion Bankruptcy Act*, or of the provincial *Assignments and Preferences Act*.

Rev. Stat.,
c. 173, s. 32,
amended.

8. The said section 32 is further amended by adding thereto the following subsections:

Power to
appoint a
receiver of
rents and
profits.

- (3) At any time after the delivery of the statement of claim, as provided by this Act, the judge or other officer having jurisdiction to try the action may, on the application of any lien claimant, mortgagee or other party interested, appoint a receiver of the rents and profits of the property against which the claim of lien is registered, upon such terms and upon the giving of such security or without security as to the said judge or other officer may seem just.

Power to
direct a sale
and appoint
a trustee.

- (4) At any time after the delivery of a statement of claim as provided by this Act, any lien claimant, mortgagee or other party interested, may make an

Section 6. The underlined parts represent the amendment and allow a bond or other security to be deposited in the court and to take the place of any money directed to be paid in. Prior to this amendment a contractor or owner had no protection against a vindictive lien filed at the beginning of a job. The judge or officer has little jurisdiction to help the contractor or owner and it may be that he will have to pay three or four thousand dollars into court, when perhaps only five hundred dollars is actually owing, and in many cases this creates a hardship and becomes impossible.

Section 7. This extends the power of the officer trying the action to set aside a fraudulent conveyance, as there has been some doubt as to whether there is any jurisdiction under the present Act to do this.

Section 8. These are important amendments and are new. At present there is no power to make an order appointing a receiver of rents and profits or to make an order for sale.

All actions have to be finally disposed of before there can be any vesting order. In many cases, apartment houses have reached renting conditions and during the time it takes to determine the rights of lien claimants who have commenced actions, it is found that the owner steps in and receives rents and in many cases does not even pay current taxes and allows mortgage interest to accumulate. Long delays have resulted awaiting the result of a fight for precedence and priority.

Nearly five years was occupied in the struggle for priority in the Plaza case.

Very serious loss has frequently resulted to every interest from the abandonment of work before completion.

These sections attempt to speed up the procedure and give the court power to appoint a receiver of rents and profits and also to direct a sale and appoint a trustee.

application by way of an originating notice to a judge of the Supreme Court in Chambers who shall have power to appoint, upon such terms and upon the giving of such security or without security as the judge deems best, a trustee with power to manage and sell the property upon which the lien is filed, such management and sale to be under the supervision and direction of the court, and shall be approved by the court.

Reference to
Judge or
officer.

- (5) The Judge in Chambers may in his discretion, refer the application so made to the judge or officer having jurisdiction to try the action, who may hear *viva voce* or affidavit evidence upon the application, and who shall have the same powers as are conferred upon the judge under subsection 4.

Property
offered for
sale.

- (6) Any property directed to be sold under the provisions of this section, may be offered for sale subject to any mortgage or other charge or encumbrance if the judge or other officer having jurisdiction so directs, but only in cases where there is no dispute whatever as to the priority of any such mortgage.

Proceeds
to be paid
into court.

- (7) The proceeds of any sale made by a trustee under the provisions of subsection 4 or 5, shall be paid into court and be subject to the claims of all lienholders, mortgagees or other parties interested in the lands so sold as their respective rights may be determined and in so far as applicable the provisions of section 36 shall apply.

Order for
completion
of sale.

- (8) The judge of the Supreme Court or the judge or officer having jurisdiction as aforesaid as the case may be, shall make all necessary orders for the completion of the sale for the vesting of the property in the purchaser.

Vesting
of title.

- (9) Any such vesting order so made of property so sold by a trustee appointed as aforesaid shall vest the title of the property free from all lienholders claims, encumbrances and interests of any kind including dower, except in cases where sale is made subject to any mortgage, charge, encumbrance or interest as hereinbefore provided, but nothing in this section or in this Act shall be deemed to extinguish the right to dower, if any, of any married woman or the right to have the value of the same ascertained and deducted from the proceeds of the same so paid into court.

Commence-
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Mechanics' Lien Act.

1st Reading

March 22nd, 1932

2nd Reading

3rd Reading

MR. MCBRIEN

No. 139

3RD SESSION, 18TH LEGISLATURE ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Mechanics' Lien Act.

MR. MCBRIEN

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 139

1932

BILL

An Act to amend The Mechanics' Lien Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Mechanics' Lien Act, 1932*.

Rev. Stat.,
c. 173, s. 7,
subs. 3,
repealed. **2.** Subsection 3 of section 7 of *The Mechanics' Lien Act* is repealed and the following substituted therefor:

Prior mortgages. (3) Where the land and premises upon or in respect of which any work or service is performed, or materials are furnished to be used, is encumbered by a prior mortgage or other charge existing in fact, and upon which money has been actually advanced before any lien arises, such mortgage or other charge shall, to the extent of such advance or advances, have priority over all liens under this Act to the extent of the actual value of such land and premises at the time the first lien arose, such value to be ascertained by the judge or officer having jurisdiction to try the action by proper evidence to be adduced before him.

Priority of mortgage for purchase price of land or for valuable consideration. (a) Any mortgage or charge existing in fact for which valuable consideration has been given or for all or any part of the purchase price of any land before any lien arises, shall be deemed to be a prior mortgage within the meaning of subsection 3.

Future advances on prior mortgage. (b) Any mortgage existing as a valid security, notwithstanding that it is a prior mortgage within the meaning of subsection 3 of section 7, or clause *a* of subsection 3 of section 7 of this Act, may also secure future advances, where the intention to make such future

advances and the amount thereof is clearly stated in the mortgage, and in all such cases the provisions of subsection 1 of section 13 to the extent of such future advances, shall apply, when determining the priority as between lien claimants and advances so made on such mortgages.

3. Subsection 1 of section 13 of *The Mechanics' Lien Act* is amended by adding thereto the following words: "and in the absence of such notice in writing or the registration of a claim for lien all such payments or advances shall have priority over any such lien," so that the subsection shall now read as follows: Rev. Stat.,
c. 173, s. 13,
subs. 1,
amended.

13.—(1) The lien shall have priority over all judgments, executions, assignments, attachments, garnishments and receiving orders recovered, issued or made after such lien arises, and over all payments or advances made on account of any conveyance or mortgage, after notice in writing of such lien to the person making such payments, or after registration of a claim for such lien as hereinafter provided, and in the absence of such notice in writing or the registration of a claim for lien all such payments or advances shall have priority over any such lien. Priority
of lien.

4. The said section 13 is further amended by adding thereto the following subsection: Rev. Stat.,
c. 173, s. 13,
amended.

(3) Any conveyance, mortgage or charge of or on land given to any person entitled to a lien thereon under this Act in payment of or as security for any such claim, whether given before or after such lien claim has arisen, shall, as against other parties entitled to liens under this Act, on any such land be deemed to be fraudulent and void. Mortgage
given to
person
entitled to
lien void as
against lien
holders.

5. Section 22 of *The Mechanics' Lien Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 173, s. 22,
amended.

(2) Where a certificate of action has been registered for two years or more in the registry office or land titles office as the case may be, and no appointment has been taken out for the trial of such action, any interested party may apply *ex parte* to a judge or officer who has jurisdiction to try the action who may make an order vacating such certificate of action. Vacating
certificate
registered
for 2 years
or more.

Rev. Stat.,
c. 173, s. 25,
subs. 4, cl. a,
amended.

6. The clause lettered *a* in subsection 4 of section 25 of *The Mechanics' Lien Act* is amended by adding after the word "court" in the first line, the words "or any bond or other security for securing the like amount and satisfactory to the judge or officer having jurisdiction," so that the said clause shall now read as follows:

Security
or payment
into court.

- (a) Any money so paid into court or any bond or other security for securing the like amount and satisfactory to the judge or officer having jurisdiction, shall take the place of the property discharged and be subject to the claims of all persons for liens to the same extent as if such money was realized by a sale of such property in an action to enforce the lien.

Rev. Stat.,
c. 173, s. 32,
subs. 1,
amended.

7. Subsection 1 of section 32 of *The Mechanics' Lien Act* is amended by adding thereto the following words: "including power to set aside a fraudulent conveyance or fraudulent mortgage, or a mortgage which amounts to a preference within the meaning of the *Dominion Bankruptcy Act*, or of the provincial *Assignments and Preferences Act*," so that the said subsection shall now read as follows:

Powers of
certain
officers.

- (1) The Master, Assistant Master and the county or district judge, in addition to their ordinary powers shall have all the jurisdiction, powers and authority of the Supreme Court to try and completely dispose of the action and questions arising therein, including power to set aside a fraudulent conveyance or fraudulent mortgage, or a mortgage which amounts to a preference within the meaning of the *Dominion Bankruptcy Act*, or of the provincial *Assignments and Preferences Act*.

Rev. Stat.,
c. 173, s. 32,
amended.

8. The said section 32 is further amended by adding thereto the following subsections:

Power to
appoint a
receiver of
rents and
profits.

- (3) At any time after the delivery of the statement of claim, as provided by this Act, the judge or other officer having jurisdiction to try the action may, on the application of any lien claimant, mortgagee or other party interested, appoint a receiver of the rents and profits of the property against which the claim of lien is registered, upon such terms and upon the giving of such security or without security as to the said judge or other officer may seem just.

Power to
direct a sale
and appoint
a trustee.

- (4) At any time after the delivery of a statement of claim as provided by this Act, any lien claimant, mortgagee or other party interested, may make an application by way of originating notice to a

judge of the Supreme Court in chambers who shall have power to appoint, upon such terms and upon the giving of such security or without security as the judge deems best, a trustee with power to manage and sell the property upon which the lien is filed, such management and sale to be under the supervision and direction of the court, and shall be approved by the court.

- (5) The judge in chambers may in his discretion, refer the application so made to the judge or officer having jurisdiction to try the action, who may hear *viva voce* or affidavit evidence upon the application, and who shall have the same powers as are conferred upon the judge under subsection 4. Reference to Judge or officer.
- (6) Any property directed to be sold under the provisions of this section, may be offered for sale subject to any mortgage or other charge or encumbrance if the judge or other officer having jurisdiction so directs, but only in cases where there is no dispute whatever as to the priority of any such mortgage. Property offered for sale.
- (7) The proceeds of any sale made by a trustee under the provisions of subsection 4 or 5, shall be paid into court and be subject to the claims of all lienholders, mortgagees or other parties interested in the lands so sold as their respective rights may be determined and in so far as applicable the provisions of section 36 shall apply. Proceeds to be paid into court.
- (8) The judge of the Supreme Court or the judge or officer having jurisdiction as aforesaid as the case may be, shall make all necessary orders for the completion of the sale for the vesting of the property in the purchaser. Order for completion of sale.
- (9) Any such vesting order so made of property so sold by a trustee appointed as aforesaid shall vest the title of the property free from all lienholders' claims, encumbrances and interests of any kind including dower, except in cases where sale is made subject to any mortgage, charge, encumbrance or interest as hereinbefore provided, but nothing in this section or in this Act shall be deemed to extinguish the right to dower, if any, of any married woman or the right to have the value of the same ascertained and deducted from the proceeds of the same so paid into court. Vesting of title.

9. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act to amend The Mechanics' Lien Act.

1st Reading

March 22nd, 1932

2nd Reading

March 23rd, 1932

3rd Reading

March 25th, 1932

MR. MCBRIEN

No. 140

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting the Sandwich, Windsor and Amherstburg Railway.

MR. COOKE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 140

1932

BILL

An Act respecting the Sandwich, Windsor and Amherstburg Railway.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Act, 1932*.

1930,
c. 17, s. 3,
amended.

2. Section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by adding thereto the following clause:

Appoint-
ment of
substitute.

(c) Each corporation may by by-law passed annually appoint a substitute in the place and stead of the member appointed by it under clause *a* to act and vote at meetings of the company, held during the year which the member may find himself unable to attend, and for such purpose the substitute shall have and may exercise all the powers and authority of the member at such meetings.

1930,
c. 17, s. 23,
amended.

3.—(1) Section 23 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by adding at the end thereof the following words, "except in accordance with the provisions hereinafter in this section contained."

(2) The said section 23 is further amended by adding thereto the following subsections:

Substitution
of
debentures
on boundary
alterations.

(2) If by reason of any alteration in the boundaries of the municipalities of the corporations made either before or after the date of enactment of this Act the commission in its discretion shall have determined or shall hereafter determine that an adjustment be made in the respective liabilities of the corporations heretofore or hereafter arising in respect of the operation of the railway and in the respective

EXPLANATORY NOTES

Section 2. It is desired by some of the municipalities that right be given to appoint a substitute member of the company's board to attend meetings which the permanent member cannot attend.

Section 3. The provisions of the present Acts relating to adjustments on annexation are not satisfactory and particularly do not require the annexing municipality to issue debentures upon adjustment nor give the municipality from which the district was detached any freedom from or reduction in its original liability. The section applicable has therefore been amended for such purpose.

amounts of debentures of the respective corporations mortgaged, hypothecated and pledged to the trustee under the indenture securing the bonds of the commission the company, subject to the terms of such trust indenture, may with the approval of the commission and shall when directed by the commission cancel, release and deliver up to any corporation any debentures issued and deposited by it with the commission together with all coupons attached thereto.

When
substitution
to be made.

- (3) Such debentures shall be cancelled, released and delivered only upon the issue and delivery to the company in substitution therefor of new debentures of one or more of the corporations to an aggregate principal amount at least equal to the aggregate principal amount of the debentures of the corporation or corporations to be released.

Terms of
new
debentures.

- (4) Such new debentures shall carry interest from the interest payment date next preceding the date of the issue and delivery of said new debentures, and bear the same rate of interest and mature on the same date and be payable in the same manner and upon the same terms as the debentures of the corporations to be released.

Application
of new
debentures.

- (5) Such new debentures shall be held and disposed of by the company upon the same trusts and upon the same terms and conditions and for the same purposes as the debentures of the corporations to be released.

Issue
of new
debentures.

- (6) For the purpose of carrying out such substitution of debentures as aforesaid the corporations or any of them may, and, when directed by the commission, shall authorize by by-law the issue and delivery to the company of such new debentures.

Cancellation
of matured
coupons.

- (7) In the event that the trustee under any such trust indenture shall sell or otherwise dispose of any or all of the municipal debentures mortgaged, hypothecated and pledged thereunder such trustee shall detach and cancel all coupons attached to said debentures which have matured prior to the date of such sale or other disposition.

Power to
carry out
adjustment.

- (8) The commission, the company, the trust company and each of the corporations shall have power to do and perform all acts, matters and things necessary to fully carry into effect the provisions of this section and the terms and requirements of any adjustment made thereunder.

1930,
c. 17, s. 29,
repealed.

4. Section 29 of the said Act is repealed and the following substituted therefor:

Protection of
revenues of
railway.

29.—(1) None of the corporations shall grant or permit to be granted or renewed to any person, any right, privilege, license or franchise to maintain, use or operate any bus, jitney, taxicab or other vehicle for the purpose of transportation of passengers for gain or hire which may in any way come into competition with the railway or prejudicially affect its revenues.

Municipal
by-laws.

(2) The company may require the corporations or any of them to pass such by-laws as may be necessary to effectually prevent such competition or prejudicial effect upon revenues of the railway, including the prescribing of minimum rates of fares to be charged for the transportation of passengers in any such bus, jitney, taxi-cab or other vehicle.

Jurisdiction
of Municipal
Board.

(3) If upon being requested in writing so to do by the company, any of the corporations shall fail within thirty days after receipt of such request to pass any by-law as aforesaid or such by-law as may be approved by the company, the company may apply to the Ontario Municipal Board for an order to compel the corporation forthwith to pass such by-law as the said board may prescribe, and for such purpose the said board shall have all jurisdiction and power necessary therefor, and the provisions of *The Ontario Municipal Board Act, 1932*, shall apply.

1932, c. 000.

Council's
powers.
Rev. Stat.,
c. 233.

(4) Notwithstanding the provisions of *The Municipal Act*, the councils of the corporations shall have and exercise all the powers necessary to pass any by-law required to be passed under this section, and the powers in that behalf of a board of police commissioners, if any, established in any of the municipalities shall, for the purposes of this section, be exercisable by the council only and in lieu of the board of police commissioners.

1930,
c. 17,
amended.

5. The said Act is amended by adding thereto the following sections:

Outstanding
deficits.

29a.—(1) It is hereby declared that the sums due and owing as of the 23rd day of December, 1931, by the respective corporations under the Acts, including this Act, agreements and mortgage deed of trust relating to the railway are as set forth in the first column of schedule "B" to this Act opposite the names of such respective corporations.

Section 4. The railway's revenues are said to be very materially affected by ruinous and unfair taxi cab competition from which a proper measure of protection is sought. The provisions of section 29 as redrafted in this Bill are designed to achieve such purpose, and the substance thereof is in accord with similar protection possessed by electric railways and bus systems in other parts of the Province, and is akin to the policy pursued by the Department of Highways in protecting bus operators against unfair competition on their scheduled routes.

Section 5. New section 29a is required to protect the municipalities from their duty to provide in full the amounts now owing for accumulated deficits in respect of the operation of the railway until they are better able financially to take care of the same. At the same time provision is also made to require that deficiency in maintenance and interest requirements is met.

Provision for
such deficits.
1932, c. 000.

- (2) Subject as in *The Ontario Municipal Board Act, 1932*, may otherwise be provided, the said respective corporations shall include in their estimates for the year 1932 the respective sums set opposite their names in column 4 of said schedule with interest thereon as hereinafter provided and shall raise and levy the same in the year 1932 by a special rate on all the rateable property in the said respective municipalities rateable therefor and shall pay the same to the trustee under the said mortgage deed of trust together with interest thereon at the rate of six per centum per annum from the 23rd day of December, 1931, until the date of payment, which shall be not later than the 23rd day of December, 1932.

Sinking
fund and de-
preciation.

- (3) Notwithstanding the provisions contained in said Acts, agreements and mortgage deed of trust or in any demands or certificates heretofore or hereafter made by the commission or the trustee pursuant thereto the corporations shall not be obliged until such time or times as the Lieutenant-Governor in Council may direct to pay the amounts set opposite the names of said respective corporations in the second and third columns of the said schedule or any accrued interest thereon or any further amounts which pursuant to the provisions of the said Acts or agreements or mortgage deed of trust may hereafter become due and owing by them or any of them in respect of deficits for sinking fund or for reserves for renewals, obsolescence and depreciation in connection with the operation of the railway and the said mortgage deed of trust shall be read and construed accordingly; but such unpaid amounts shall be raised and levied by the respective corporations and paid over to the trustee or its successor in the trust from time to time in such amounts with interest at such rate and from such date as the Lieutenant-Governor in Council may from time to time direct.

Certificates.

- (4) The certificates of the commission to the trustee as to the respective amounts from time to time due and owing by the corporations in respect of deficits for sinking fund or reserves as aforesaid shall be conclusive evidence of the fact.

Con-
firmation of
mortgage
deed of trust.

- 29b.—The mortgage deed of trust dated 31st July, 1931, made between the company, the commission and Guaranty Trust Company of Canada, as trustee, is hereby amended by adding after the word "interest"

New sections 29*b* and 29*c* are self-explanatory and are necessary to avoid any technical points being raised at any time.

in the heading of Article IV thereof the words "and principal," and as so amended the said mortgage deed of trust and all the provisions, covenants and stipulations therein contained are hereby declared to be legal, valid and binding, and subject to the provisions of section 29a of this Act the corporations shall be bound to comply with all demands made upon them by said trustee pursuant to the provisions of said mortgage deed of trust.

Validation
of bonds
and
debentures.

29c. It is hereby declared that the bonds of the commission to the aggregate principal amount of five million eight hundred and sixteen thousand two hundred and five dollars (\$5,816,205.00) guaranteed as to the payment of both principal and interest by the Province of Ontario referred to in this Act, are legal, valid and binding outstanding obligations, and that the debentures heretofore issued by the corporations and deposited with the commission in respect of said bonds of the commission and the by-laws authorizing the issue thereof are legal, valid and binding upon the respective corporations and the ratepayers thereof and that the said debentures were issued and deposited with the commission in accordance with the agreement dated 1st January, 1920, and amendments thereof referred to in the recitals to this Act.

Penalties.

29d. A member of the council of the corporations who knowingly and wilfully neglects, fails or refuses to vote for any by-law or resolution necessary to be passed by such council to comply with any of the provisions of the Acts, including this Act, agreements or mortgage deed of trust relating to the railway or of any adjustment made thereunder, shall be liable to a penalty of not less than \$100, recoverable under *The Summary Convictions Act*.

Rev. Stat.
c. 121.

By-laws
Nos. 792
and 920,
Township of
Sandwich
West,
confirmed.

29e. By-laws numbers 792 and 920 of the corporation of the township of Sandwich West are and each of them is confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Commence-
ment of Act.

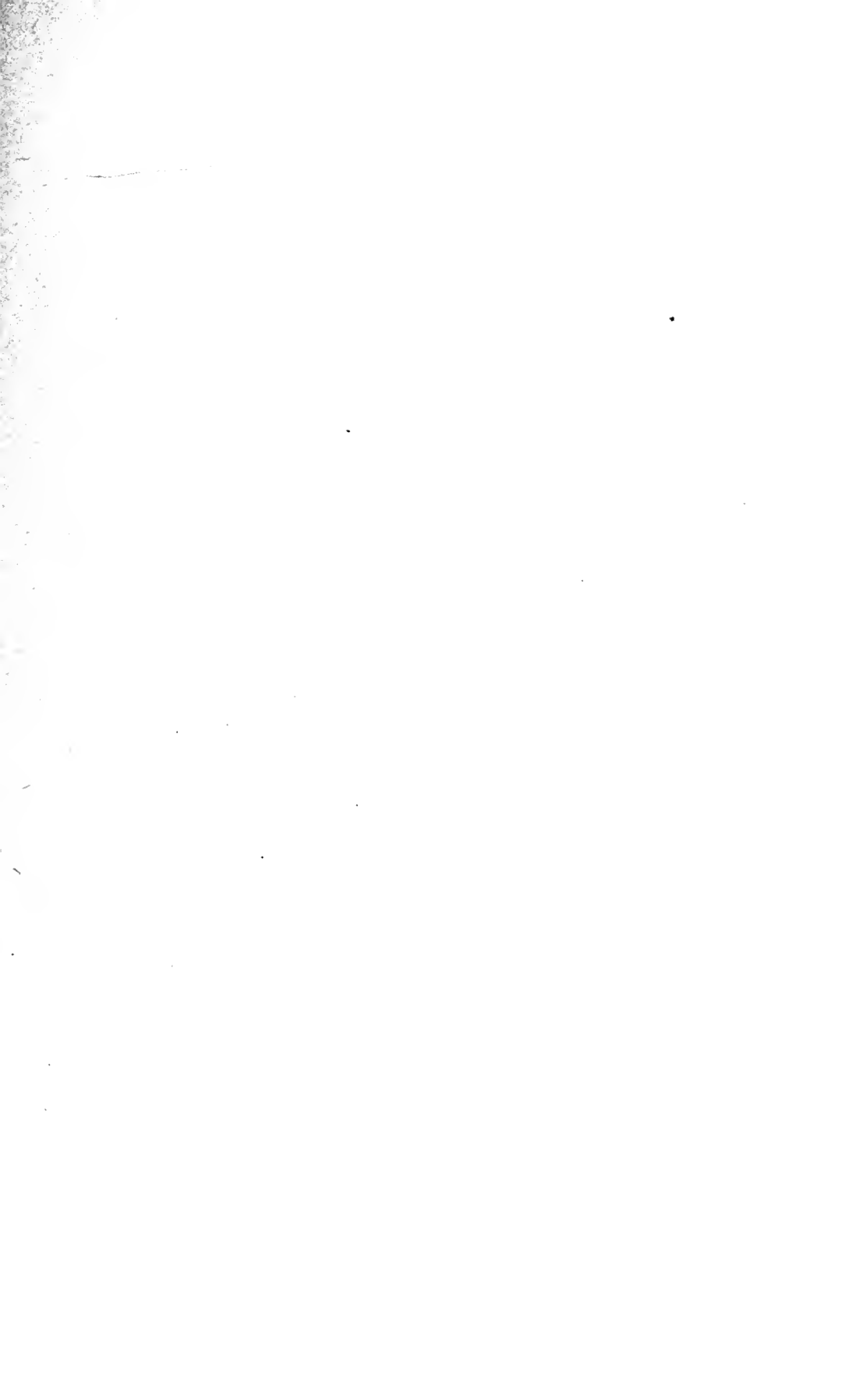
6. This Act shall come into force on the day upon which it receives the Royal Assent.

New section 29*d* is to provide a summary but efficacious method of having the requirements of the Acts and agreements, etc., observed.

New section 29*e* is to confirm two by-laws of Sandwich West relating to a now abandoned bus route for which certain deficits have yet to be met.

SCHEDULE "B"

Name of Corporation	Column 1	Column 2 Sinking Fund	Column 3 Renewals	Column 4
	\$ c.	\$ c.	\$ c.	\$ c.
Township of Sandwich East.....	6,285 39	485 83	1,101 88	4,697 68
Township of Sandwich West.....	31,618 52	2,443 95	5,543 03	23,631 54
City of East Windsor....	48,603 95	3,756 85	8,520 73	36,326 37
Town of Walkerville.....	78,145 02	6,040 23	13,699 56	58,405 23
Town of Sandwich.....	74,809 24	5,782 40	13,114 76	55,912 08
Town of Ojibway.....	5,476 36	407 73	1,296 51	3,772 12
Town of Amherstburg....	23,268 56	1,798 55	4,079 20	17,390 81
City of Windsor.....	271,786 07	21,007 76	47,646 66	203,131 65
Town of Tecumseh.....	9,574 09	740 04	1,678 43	7,155 62
Town of Riverside.....	19,972 36	1,543 77	3,501 35	14,927 24
Town of LaSalle	10,539 46	814 66	1,847 67	7,877 13
	580,079 02	44,821 77	102,029 78	433,227 47



BILL

An Act respecting the Sandwich, Windsor
and Amherstburg Railway.

1st Reading

March 22nd, 1932

2nd Reading

3rd Reading

MR. COOKE

No. 140

3RD SESSION, 18TH LEGISLATURE, ONTARIO
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Short title.

1. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Act, 1932*.

1930,
c. 17, s. 3,
amended.

2. Section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by adding thereto the following clause:

Appoint-
ment of
substitute.

(c) Each corporation may by by-law passed annually appoint a substitute in the place and stead of the member appointed by it under clause *a* to act and vote at meetings of the company, held during the year which the member may find himself unable to attend, and for such purpose the substitute shall have and may exercise all the powers and authority of the member at such meetings.

1930,
c. 17, s. 23,
amended.

3.—(1) Section 23 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by adding at the end thereof the following words, “except in accordance with the provisions hereinafter in this section contained.”

1930, c. 17,
s. 23,
amended.

(2) The said section 23 is further amended by adding thereto the following subsections:

Substitution
of
debentures
on boundary
alterations.

(2) If by reason of any alteration in the boundaries of the municipalities of the corporations made either before or after the date of enactment of this Act the commission in its discretion shall have determined or shall hereafter determine that an adjustment be made in the respective liabilities of the corporations heretofore or hereafter arising in respect of the operation of the railway and in the respective

amounts of debentures of the respective corporations mortgaged, hypothecated and pledged to the trustee under the indenture securing the bonds of the commission, the company, subject to the terms of such trust indenture, may with the approval of the commission and shall when directed by the commission cancel, release and deliver up to any corporation any debentures issued and deposited by it with the commission together with all coupons attached thereto.

- (3) Such debentures shall be cancelled, released and delivered only upon the issue and delivery to the company in substitution therefor of new debentures of one or more of the corporations to an aggregate principal amount at least equal to the aggregate principal amount of the debentures of the corporation or corporations to be released. ^{When substitution to be made.}
- (4) Such new debentures shall carry interest from the interest payment date next preceding the date of the issue and delivery of said new debentures, and bear the same rate of interest and mature on the same date and be payable in the same manner and upon the same terms as the debentures of the corporations to be released. ^{Terms of new debentures.}
- (5) Such new debentures shall be held and disposed of by the company upon the same trusts and upon the same terms and conditions and for the same purposes as the debentures of the corporations to be released. ^{Application of new debentures.}
- (6) For the purpose of carrying out such substitution of debentures as aforesaid the corporations or any of them may, and, when directed by the commission, shall authorize by by-law the issue and delivery to the company of such new debentures. ^{Issue of new debentures.}
- (7) In the event that the trustee under any such trust indenture shall sell or otherwise dispose of any or all of the municipal debentures mortgaged, hypothecated and pledged thereunder such trustee shall detach and cancel all coupons attached to said debentures which have matured prior to the date of such sale or other disposition. ^{Cancellation of matured coupons.}
- (8) The commission, the company, the trust company and each of the corporations shall have power to do and perform all acts, matters and things necessary to fully carry into effect the provisions of this section and the terms and requirements of any adjustment made thereunder. ^{Power to carry out adjustment.}

1930,
c. 17, s. 29,
repealed.

4. Section 29 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is repealed and the following substituted therefor:

Protection of
revenues of
railway.

29.—(1) None of the corporations shall grant or permit to be granted or renewed to any person, any right, privilege, license or franchise to maintain, use or operate any bus, jitney, taxicab or other vehicle for the purpose of transportation of passengers for gain or hire which may in any way come into competition with the railway or prejudicially affect its revenues.

Municipal
by-laws.

(2) The company may require the corporations or any of them to pass such by-laws as may be necessary to effectually prevent such competition or prejudicial effect upon revenues of the railway, including the prescribing of minimum rates of fares to be charged for the transportation of passengers in any such bus, jitney, taxi-cab or other vehicle.

Jurisdiction
of Municipal
Board.

(3) If upon being requested in writing so to do by the company, any of the corporations shall fail within thirty days after receipt of such request to pass any by-law as aforesaid or such by-law as may be approved by the company, the company may apply to the Ontario Municipal Board for an order to compel the corporation forthwith to pass such by-law as the said board may prescribe, and for such purpose the said board shall have all jurisdiction and power necessary therefor, and the provisions of *The Ontario Municipal Board Act, 1932*, shall apply.

1932, c. 27.

Council's
powers.

Rev. Stat.,
c. 233.

(4) Notwithstanding the provisions of *The Municipal Act*, the councils of the corporations shall have and exercise all the powers necessary to pass any by-law required to be passed under this section, and the powers in that behalf of a board of police commissioners, if any, established in any of the municipalities shall, for the purposes of this section, be exercisable by the council only and in lieu of the board of police commissioners.

1930,
c. 17,
amended.

5. *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by adding thereto the following sections:

Outstanding
deficits.

29a.—(1) It is hereby declared that the sums due and owing as of the 23rd day of December, 1931, by the respective corporations under the Acts, including this Act, agreements and mortgage deed of trust relating to the railway are as set forth in the first column of schedule "B" to this Act opposite the names of such respective corporations.

- (2) Subject as in *The Ontario Municipal Board Act, 1932*,^{Provision for such deficits. 1932, c. 27.} may otherwise be provided, the said respective corporations shall include in their estimates for the year 1932 the respective sums set opposite their names in column 4 of said schedule with interest thereon as hereinafter provided and shall raise and levy the same in the year 1932 by a special rate on all the rateable property in the said respective municipalities rateable therefor and shall pay the same to the trustee under the said mortgage deed of trust together with interest thereon at the rate of six per centum per annum from the 23rd day of December, 1931, until the date of payment, which shall be not later than the 23rd day of December, 1932.
- (3) Notwithstanding the provisions contained in said Acts, agreements and mortgage deed of trust or in any demands or certificates heretofore or hereafter made by the commission or the trustee pursuant thereto the corporations shall not be obliged until such time or times as the Lieutenant-Governor in Council may direct to pay the amounts set opposite the names of said respective corporations in the second and third columns of the said schedule or any accrued interest thereon or any further amounts which pursuant to the provisions of the said Acts or agreements or mortgage deed of trust may hereafter become due and owing by them or any of them in respect of deficits for sinking fund or for reserves for renewals, obsolescence and depreciation in connection with the operation of the railway and the said mortgage deed of trust shall be read and construed accordingly; but such unpaid amounts shall be raised and levied by the respective corporations and paid over to the trustee or its successor in the trust from time to time in such amounts with interest at such rate and from such date as the Lieutenant-Governor in Council may from time to time direct.
- (4) The certificates of the commission to the trustee as^{Certificates.} to the respective amounts from time to time due and owing by the corporations in respect of deficits for sinking fund or reserves as aforesaid shall be conclusive evidence of the fact.
- 29b.—The mortgage deed of trust dated 31st July, 1931,^{Confirmation of mortgage deed of trust.} made between the company, the commission and Guaranty Trust Company of Canada, as trustee, is hereby amended by adding after the word "interest"

in the heading of Article IV thereof the words "and principal," and as so amended the said mortgage deed of trust and all the provisions, covenants and stipulations therein contained are hereby declared to be legal, valid and binding, and subject to the provisions of section 29a of this Act the corporations shall be bound to comply with all demands made upon them by said trustee pursuant to the provisions of said mortgage deed of trust.

Validation
of bonds
and
debentures.

29c. It is hereby declared that the bonds of the commission to the aggregate principal amount of five million eight hundred and sixteen thousand two hundred and five dollars (\$5,816,205.00) guaranteed as to the payment of both principal and interest by the Province of Ontario referred to in this Act, are legal, valid and binding outstanding obligations, and that the debentures heretofore issued by the corporations and deposited with the commission in respect of said bonds of the commission and the by-laws authorizing the issue thereof are legal, valid and binding upon the respective corporations and the ratepayers thereof and that the said debentures were issued and deposited with the commission in accordance with the agreement dated 1st January, 1920, and amendments thereof referred to in the recitals to this Act.

Penalties.

29d. Where under the provisions of the Acts, including this Act, agreements or mortgage deed of trust relating to the railway it is the duty of the council of any of the corporations to pass any by-law or resolution respecting any matter relating to the affairs of the railway and the council fails or neglects to pass the same within sixty days after being notified so to do, each member of the council, unless he shows that he made reasonable efforts to procure the passing of such by-law or resolution shall be liable to a penalty of not less than \$25 and not more than \$100 recoverable in the same manner as penalties for breach of the provisions of municipal by-laws under *The Municipal Act*.

Rev. Stat.,
c. 121.

By-laws
Nos. 792
and 920,
Township of
Sandwich
West,
confirmed.

29e. By-laws numbers 792 and 920 of the corporation of the township of Sandwich West are and each of them is confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "B"

Name of Corporation	Column 1	Column 2 Sinking Fund	Column 3 Renewals	Column 4
	\$ c.	\$ c.	\$ c.	\$ c.
Township of Sandwich East.....	6,285 39	485 83	1,101 88	4,697 68
Township of Sandwich West.....	31,618 52	2,443 95	5,543 03	23,631 54
City of East Windsor.....	48,603 95	3,756 85	8,520 73	36,326 37
Town of Walkerville.....	78,145 02	6,040 23	13,699 56	58,405 23
Town of Sandwich.....	74,809 24	5,782 40	13,114 76	55,912 08
Town of Ojibway.....	5,476 36	407 73	1,296 51	3,772 12
Town of Amherstburg.....	23,268 56	1,798 55	4,079 20	17,390 81
City of Windsor.....	271,786 07	21,007 76	47,646 66	203,131 65
Town of Tecumseh.....	9,574 09	740 04	1,678 43	7,155 62
Town of Riverside.....	19,972 36	1,543 77	3,501 35	14,927 24
Town of LaSalle.....	10,539 46	814 66	1,847 67	7,877 13
	580,079 02	44,821 77	102,029 78	433,227 47

BILL

An Act respecting the Sandwich, Windsor
and Amherstburg Railway.

1st Reading

March 22nd, 1932

2nd Reading

March 24th, 1932

3rd Reading

March 25th, 1932

MR. COOKE

No. 141

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting the Estate of Charles Millar, deceased.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Estate of Charles Millar,
deceased.

Preamble.

WHEREAS Charles Millar, late of the city of Toronto, in the county of York, barrister-at-law, died on or about the thirty-first day of October, one thousand nine hundred and twenty-six, at the city of Toronto, in the county of York; and whereas the said Charles Millar in his lifetime duly made his last will and testament dated the seventh day of June, one thousand nine hundred and twenty-one, probate of which was granted by the Surrogate Court of the county York on the ninth day of December, One thousand nine hundred and twenty-six, to The Toronto General Trust Corporation, National Trust Company and George Roy Sproat of the city of Toronto in the county of York, executors and trustees named in the said will; and whereas after making provision for certain specific legacies in his said will, the said Charles Millar disposed of the rest and residue of his property in the words set out in section 2 of this Act; and whereas all funeral, testamentary expenses, and just debts have been fully paid and satisfied, and all the specific legacies mentioned in the said will have been paid and satisfied; and whereas the only estate remaining in the hands of the executors and trustees is the rest and residue of the estate mentioned in clause 9 of the said will; and whereas it is expressed in the said will that: "This will is necessarily uncommon and capricious because I have no dependants or near relatives and no duty rests upon me to leave any property at my death and what I do leave is proof of my folly in gathering and retaining more than I required in my lifetime"; and whereas in view of the above statement in the said will, and the disposition made of the rest and residue of the said property by clause 9 of the said will as above, it is deemed advisable on the grounds of public policy to escheat the said rest and residue of the said property to His Majesty the King in the right of the Province of Ontario, to be administered in the manner and for the purposes as herein set out.

Therefore, His Majesty, by and with the advice and

consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Charles Millar Estate Act, 1932*.

Estate
vested in
Crown.

2. All the estate both real and personal of Charles Millar, of the city of Toronto, in the county of York, barrister-at-law, deceased, who died on or about the thirty-first day of October, One thousand nine hundred and twenty-six, devised and bequeathed by the said Charles Millar under clause 9 of his said last will and testament bearing date the seventh day of June, One thousand nine hundred and twenty-one, in the words following:

“All the rest and residue of my property wheresoever situate, I give, devise and bequeath unto my Executors and Trustees named below in Trust to convert into money as they deem advisable and invest all the money until the expiration of nine years from my death and then call in and convert it all into money and at the expiration of ten years from my death, to give it and its accumulations to the mother who has since my death given birth in Toronto to the greatest number of children as shown by the registration under *The Vital Statistics Act*. If one or more mothers have equal highest number of registrations under the said Act, to divide the said moneys and accumulations equally between them”,

shall, upon the coming into force of this Act be vested in His Majesty the King absolutely, in the right of the Province of Ontario free from all claims whatsoever.

To be held
for
University
of Toronto.

3. All the said estate so vested in His Majesty the King in the right of the Province of Ontario shall be held for the use and benefit of the Governors of the University of Toronto, who shall be entitled to receive the whole corpus of the estate both real and personal and the income thereof to be held by them upon the terms and conditions as provided for by this Act.

Present
trustees
continued
for five
years.

4. The present executors and trustees, namely, The Toronto General Trusts Corporation, National Trust Company and George Roy Sproat of the city of Toronto in the county of York, shall continue to administer and manage all the said estate on behalf of His Majesty the King in the right of the Province of Ontario for a period of five years, with full power to sell and dispose of any of the said estate, and to invest and reinvest the proceeds of any such sale or any moneys in their hands in any securities authorized by *The Trustee Act*, with power to vary and transpose the same from time to time.

Provided however, that, at any time within the said period of five years, the Attorney-General for Ontario representing His Majesty the King in the right of the Province of Ontario, may terminate the management and administration by the said trustees and executors.

Costs of
pending
litigation.

5. The trustees may pay the costs, after taxation, of any and all court actions pending at the date of the passing of this Act, which have been brought or commenced by any person claiming any interest in the said estate or attacking in any way the validity of the said will.

Accounting
by trustees.

6.—(1) The trustees shall at any time upon the request of the Attorney-General prepare and submit to the Attorney-General a full and complete statement of their accounts and their dealings in the estate, and when so requested by the Attorney-General the said accounts shall be passed and audited by the Judge of the Surrogate Court of the county of York, who is hereby empowered to audit the same and to allow payment to the trustees of proper expenses and trustees' fees as in his discretion he deems proper, following as far as possible the practice of the Surrogate Court in such matters.

(2) Before the said accounts are so passed by the Surrogate Judge, the Attorney-General shall be furnished with a copy thereof duly verified under oath and shall be given at least ten days' notice of the date of the passing thereof.

Trustees
to pay
income
annually to
university.

7. During the time that the said trustees administer and manage the said estate under the provisions of this Act, they shall, annually, after providing for all necessary expenses in connection with the said administration and management, pay the income to the Governors of the University of Toronto, who shall use the same for the purpose of providing prizes, scholarships and fellowships or assisting any student in any course of instruction in the University of Toronto and every university and college federated with such University of Toronto, as may be determined by the said Governors.

Transfer of
estate to
University.

8. Upon the expiration of the said five years of administration and management by the said trustees, or at any time within the said period of five years if the administration and management by the said trustees be terminated as herein provided, the said trustees shall transfer all estate remaining in their hands both principal, and income, to the Governors of the University of Toronto, after having paid all proper and necessary expenses of administration and management.

Powers of
Board of
Governors as
to dealing
with
property.

9. The Board of Governors of the University of Toronto shall have power to sell and dispose of any or all of the said

estate, to invest and reinvest any principal moneys in their hands in any securities authorized by *The Trustee Act*, with power to vary and transpose the same from time to time, but the said principal money or corpus of the estate shall be kept intact. The income derived therefrom shall be used by the said Governors for the purpose of providing prizes, scholarships and fellowships, or assisting any student in any course of instruction in the University of Toronto and every university and college federated with such University of Toronto as may be determined by the said Governors.

Sufficiency
of execution
of deeds, etc.

10. All deeds, transfers or other assurances of any real or personal estate in this Province made after the passing of this Act, duly executed and purporting to be signed by the trustees during the period of their management and administration of the said estate as provided in this Act, or thereafter executed by the Governors of the University, shall in all courts in this Province, and in all registry offices and in all land titles offices of this Province, or elsewhere, be deemed sufficiently executed to pass or grant the estate or interest thereby purported to be passed or granted.

Commence-
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act respecting the Estate of
Charles Millar, Deceased.

1st Reading

March 22nd, 1932

2nd Reading

3rd Reading

MR. PRICE

No. 142

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting Unemployment Relief.

MR. HENRY (York East)

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Unemployment Relief.

Preamble.

WHEREAS under and by virtue of an agreement entered into the 6th day of November, A.D. 1931, between the Honourable Gideon D. Robertson, Minister of Labour, acting on behalf of the Government of Canada, and the Honourable J. D. Monteith, Minister of Public Works and Labour for the Province of Ontario, acting on behalf of the Province of Ontario, certain measures were adopted for the relief of unemployment conditions in Ontario; and whereas it is expedient that legislative sanction be given to the said measures;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Unemployment Relief Act (Ontario)*, 1932.

Agreement
between
Dominion
and
Province
validated.

2. The agreement set out in schedule "A" made between the Honourable Gideon D. Robertson, Minister of Labour, on behalf of the Government of Canada, and the Honourable J. D. Monteith, Minister of Public Works and Labour for the Province of Ontario, on behalf of the Government of Ontario, is declared to valid and binding and the Government of Ontario shall be deemed to have been since the said date authorized to do all things, make all appropriations and enter into all agreements authorized and required to carry out the said agreement.

Order-in-
Council
confirmed.

3. The Order-in-Council approved by the Honourable the Lieutenant-Governor and dated the 10th day of September, A.D. 1931, a copy of which is set out in schedule "B" to this Act, is confirmed and shall be deemed to be valid and binding.

Agreements
with muni-
cipalities
confirmed.

4.—(1) Every agreement heretofore or hereafter entered into between the Government of the Province of Ontario, represented by the Minister of Public Works and Labour, and any municipal corporation in the form or to the effect set out in schedule "C," shall be deemed to be valid and binding to all intents and purposes.

Issue of
debentures
without
assent of
electors.

(2) Where a municipal corporation has heretofore entered into or shall hereafter enter into any such agreement with the Government of the Province of Ontario the corporation may issue debentures to defray the cost to the corporation of any work undertaken in pursuance of the agreement, and it shall not be necessary to obtain the assent of the electors to the by-law for the issue of such debentures nor to observe the other formalities with respect to any such by-law prescribed by *The Municipal Act*, but no such by-law shall be finally passed by the municipal council until the form of the by-law, the amount and term of the debentures to be issued under it and the work for which the same are to be issued have been approved by order of the Ontario Railway and Municipal Board and after such approval the debentures shall conclusively be deemed to be legal, valid and binding upon the municipal corporation and the ratepayers thereof.

Rev. Stat.,
c. 233.

Local
improve-
ment works.

(3) An agreement entered into under this section may include works constructed or to be constructed as local improvements.

Amendment
of by-laws.

(4) Any by-law referred to in subsection 2 passed with the approval of the Ontario Railway and Municipal Board may with the like approval be amended by the corporation by which it was passed, and the provisions of subsection 2 shall apply to any such amended by-law and to any debentures to be issued thereunder.

Appropriation
for
relief of
unemploy-
ment.

5.—(1) For the purpose of carrying out the obligations set out in the said agreement of the 6th day of November, A.D. 1931, there shall be set aside out of the Consolidated Revenue Fund and applied such sums from time to time as the Lieutenant-Governor in Council may direct, for relief works for the purpose of providing employment, and for the purpose of providing direct relief.

Effective
date of
subsection 1.

(2) The provisions of subsection 1 shall be construed as if the same had been in force and taken effect on and from the 1st day of September, 1931.

Freeport
sanitorium.

6. This Act shall apply to the work of extension of the Freeport Sanatorium undertaken by the corporations of the county of Waterloo and the cities of Kitchener and Galt with the approval of the Government of Ontario as a work for the relief of unemployment and each of the said corporations may issue debentures to defray its respective share of the cost of the said work in accordance with the provisions of section 4.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

Indenture of Agreement entered into this 6th day of November
A.D. 1931

BETWEEN

The Government of the Dominion of Canada (hereinafter called
the "Dominion"), represented herein by the Honourable Gideon
D. Robertson, Minister of Labour,

of the first part;

—and—

The Government of the Province of Ontario (hereinafter called
the "Province"), represented herein by the Honourable J. D.
Monteith, Minister of Public Works and Labour,

of the second part.

WHEREAS the Unemployment and Farm Relief Act, 1931, provides
that there may be paid out of the Consolidated Revenue Fund such
moneys as the Governor in Council in his discretion may deem expedient
to expend for relieving distress, providing employment and maintaining
within the competence of Parliament, peace, order and good govern-
ment throughout Canada;

AND WHEREAS under the general regulations established by
Order of His Excellency the Governor-General in Council, dated
August 18th, 1931 (P.C. 2043), copy of which is hereto attached marked
"A," the Minister of Labour is empowered to enter into an agreement
with the government of any province for the purpose of supporting and
supplementing the relief measures of the Province and Municipalities
thereof.

AND WHEREAS the Province desires to enter into an agreement
under the provisions of the general regulations aforementioned.

NOW THEREFORE it is mutually agreed by and between the
parties hereto as follows:—

1. The Dominion shall pay to the Province for remittance to any
Municipality within the provincial territory such proportion of the
expenditures of the Municipality for "direct relief" (as hereinafter defined)
where suitable work cannot be provided for the unemployed, as may be
agreed upon between the Province and the Dominion.

2. The Province shall pay to the Municipality an amount equal to
that contributed by the Dominion for "direct relief," or such other pro-
portion of the expenditures of the Municipality as may be agreed upon.

3. The Dominion shall pay to the Province fifty per centum of the
expenditures made by the Province for "direct relief" in provincial terri-
tory where no Municipalities are established and where suitable work
cannot be provided for the unemployed.

4. Contributions by the Dominion towards "direct relief" are to be
made only after the submission by the Province of evidence satisfactory
to the Minister of Labour that a serious unemployment situation exists
in a designated locality and suitable work for the unemployed cannot be
provided therein.

5. In this agreement, "direct relief" means necessary food, clothing,
fuel and shelter, or the equivalent thereof.

6. The Dominion shall pay to the Province for remittance to any
Municipality such proportion of the cost of construction of municipal
works and undertakings carried out to provide work for the unemployed,
as may be agreed upon between the Province and the Dominion; but the
proportion of the cost of any such municipal works and undertaking to
be borne by the Dominion shall not exceed twenty-five per centum thereof,
unless, by reason of the financial conditions of the Municipality, the

assumption by the Dominion of a greater proportion of the cost of such works and undertakings is specifically authorized by the Governor-General in Council; and the balance of such cost shall be borne by the Province and the Municipality in such proportions as may be agreed upon.

7. Such contributions by the Dominion and Province, respectively, towards the cost of municipal works and undertakings are to be made only after the submission by the Municipality concerned of evidence satisfactory to the Province and the Minister of Labour that a serious unemployment situation exists in such Municipality.

8. The Dominion shall pay to the Province fifty per centum of the cost of such public works and undertakings as may be carried on by the Province to provide suitable work for the unemployed.

9. The Dominion shall pay to the Province forty per centum of any amount expended by the Province on provincial highways.

10. The Dominion shall pay to the Province fifty per centum of the amount hereafter expended by the Province on such highways, now existing or to be constructed, as may become part of the Trans-Canada Highway.

The expression "Trans-Canada Highway" means in relation to the Province, such provincial highways affording a continuous route connecting the Province with any other or others of the provinces, as may be designated by the Province and approved by the Dominion.

11. Contributions by the Dominion towards the cost of public works, undertakings and highways referred to in sections 8, 9, and 10 hereof, are to be made only after submission by the Province of evidence satisfactory to the Minister of Labour that a serious unemployment situation exists.

12. The Province agrees to submit to the Dominion for approval by the Minister of Labour, from time to time, a schedule or schedules setting forth a list of the public works and undertakings proposed to be carried on by the Province and Municipalities under the provisions of clauses 6, 8, 9, and 10 hereof and also setting forth the proportions of the expenditures in respect of such public works and undertakings to be borne by the Dominion and the Province respectively; and such schedules, when approved, shall become part of this agreement as if originally incorporated therein.

13. All public works and undertakings to which contributions may be made under the provisions of clauses 6, 8, 9, and 10 of this agreement, are to be carried on from the date of their commencement to the date of their completion, which latter date shall not be later than the 1st day of May, 1932.

14. A maximum work day of eight hours shall prevail on works and undertakings carried on under this agreement, unless a modification of this requirement is previously agreed to by the Minister of Labour; fair and reasonable rates of wages shall be paid by the Province and Municipalities, but such rates shall not be in excess of the rates required to be paid by the Federal Government for the character or class of work in the district; only goods and materials of Canadian manufacture or production, if available, shall be used; contracts shall be let only to *bona fide* Canadian construction firms established and operating in Canada prior to January 1st, 1931; and of the amounts expended pursuant to the provisions of clauses 6, 8, 9, and 10 hereof not less than forty per centum thereof shall be expended for labour unless a modification of this requirement is previously agreed to by the Minister of Labour.

15. All persons employed on the works or undertakings referred to herein shall be residents of Canada and, so far as practicable, of the locality in which the work is being performed, and in no case shall discrimination be made or permitted in the employment of any persons by reason of their political affiliation, race or religious views.

16. Statements of accounts for expenditures made by the Province and Municipalities, for direct relief or for public works and undertakings, pursuant to the provisions of this agreement shall be submitted by the Province to the Minister of Labour accompanied by a certificate of the appropriate provincial authority that expenditures have been duly made in accordance with such statements; and such statements and certificates shall be in the form prescribed by the Minister of Labour.

17. The Province and Municipalities shall each bear their own expenses of administration in connection with any measures for the relief of unemployment undertaken pursuant to this agreement, and no portion of such expenses of administration shall be included in any statement of account rendered pursuant to this agreement or paid by the Dominion.

18. The Minister of Labour may at any time call upon the Province to furnish such information as he may require in relation to statements of accounts rendered by the Province or Municipalities.

19. The Minister of Labour may at any time direct an inspection in connection with any measures for the relief of unemployment carried out pursuant to this agreement.

IN WITNESS WHEREOF the Honourable Gideon D. Robertson, Minister of Labour, has hereunto set his hand on behalf of the Dominion of Canada and the Honourable J. D. Monteith, Minister of Public Works and Labour, has hereunto set his hand on behalf of the Province of Ontario.

Signed on behalf of the Government
of Canada by Honourable
Gideon D. Robertson,
Minister of Labour,
in the presence of J. A. Ellis.

G. D. ROBERTSON.

Signed on behalf of the Province of
Ontario by the Honourable
J. D. Monteith, Minister of
Public Works and Labour,
in the presence of J. A. Ellis.

J. D. MONTEITH.

SCHEDULE "B."

Order-in-Council approved by the Honourable The Lieutenant-Governor, dated the 10th day of September, A.D. 1931.

Upon the recommendation of The Minister of Public Works and Labour, the Committee of Council advise that the following regulations for the administration of the Unemployed Relief Fund be approved:—

1. Except where the context otherwise requires, in this Order-in-Council the expression "Minister" means the Minister of Public Works and Labour.

2. There may be paid from the Consolidated Revenue Fund such moneys as may be deemed expedient to relieve distress and provide employment.

3. The Minister may enter into an agreement with the Government of the Dominion, or with any Minister of such Government duly authorized for that purpose, for the payment by the Dominion to the Province of the following expenditures in such proportions as may be agreed upon:—

- (a) Direct Relief by municipalities.
- (b) Direct Relief by the Province where no municipal Government exists.
- (c) Grants to municipalities for municipal work and undertakings.
- (d) Provincial public works, improvements, and other undertakings.

4. The Minister may enter into an agreement with any municipality for the payment by the Ontario Government of such proportion of the expenditures of such municipality for direct relief as may be agreed upon between the municipality and the Province and approved by the Minister, in addition to the proportion which will be assumed and paid by the Dominion Government.

5. The Minister may enter into an agreement with any municipality for the payment to such municipality by the Government of Ontario of a proportion of the cost of such municipal works and undertakings as may be carried out pursuant to such agreement to provide work for the unemployed, in addition to the proportion of the said cost which will be assumed and paid by the Dominion Government.

6. The expression "direct relief" in sections 3 and 4 hereof means food, clothing, fuel, and shelter, or such payment in lieu thereof as may be determined by the municipal authorities and approved by the Minister.

7. As the success of the relief measures under this Order-in-Council will largely depend upon the fair and equitable distribution of opportunities for employment and payment of reasonable rates of wages, the Government will require that a maximum work day of eight hours shall prevail on works and undertakings carried on under the provisions hereof unless a modification of this requirement is previously agreed to by the Dominion Minister of Labour. Municipal authorities may fix rates of wages to be paid provided such rates be fair and reasonable and not in excess of the rates required to be paid by the Dominion Government for the character or class of work in the district. If available goods and materials of Canadian manufacture or production shall be used and contracts shall be let only to bona-fide Canadian Construction firms established and operating in Canada prior to January 1st, 1931.

8. No grants shall be made for any municipal works and undertakings unless such works and undertakings involve a minimum expenditure for labour of forty per cent. of the total cost of such works and undertakings.

9. All agreements with municipal authorities shall contain a provision to the effect that all persons employed on the works or undertakings referred to herein shall be residents of Ontario, and so far as

practicable of the locality in which the work is being performed, and in no case shall discrimination be made or permitted in the employment of, or in the granting of direct relief to any British subjects by reason of their political affiliation, race or religious views.

10. Statements of account for expenditures for direct relief or for public works and undertakings made under the provisions of this Order-in-Council shall be rendered monthly in duplicate accompanied by a certificate of the appropriate municipal authority that expenditures have been duly made in accordance with such statements.

11. No costs of administration or for the purchase of equipment shall be included in the accounts to be rendered under section 10 hereof.

12. The Minister may at any time call upon any municipality to furnish such information as he may require in relation to statements of account rendered by the municipalities.

13. The Minister shall have power to direct an inspection in connection with any matters for the relief of unemployment carried out pursuant to agreements made with municipalities under the provisions of this Order-in-Council.

14. The administration of this Order-in-Council shall be vested in the Minister of Public Works and Labour, the Minister of Mines, the Minister of Lands and Forests, the Minister of Agriculture, and the Minister of Highways, and they shall be an Advisory Committee on expenditures to be made under this Order-in-Council. The Minister of Public Works and Labour shall be the Chairman of such Advisory Committee.

15. J. A. Ellis, Director of the Bureau of Municipal Affairs, 's hereby appointed Secretary of such Advisory Committee, and he and the staff of such Bureau shall perform such duties under the direction of the Minister as may be required to carry out the provisions of this Order-in-Council.

16. The expenses of administration of the provisions of this Order-in-Council by the Province, including the salaries of temporary employees, shall be paid out of the Consolidated Revenue Fund.

17. All payments hereby authorized shall be made from the moneys appropriated by special warrant or the Legislature on the certificate of the Secretary of such Advisory Committee, countersigned by the Minister.

SCHEDULE "C."

Agreement made the

day of

193

BETWEEN

The Government of the Province of Ontario, represented by the Minister of Public Works and Labour, hereinafter called "the Province,"
of the first part;

and the Municipal Corporation of the

hereinafter called "the Corporation,"
of the second part.

WHEREAS the Dominion of Canada and the Province have entered into an agreement to jointly provide certain funds for unemployment relief.

AND WHEREAS the Minister of Public Works and Labour has, by Order-in-Council approved by the Honourable the Lieutenant-Governor on the day of _____, 1931, been authorized to enter into an agreement with any Municipality for the payment to such Municipality by the Province, of certain moneys to assist in unemployment relief.

NOW THIS AGREEMENT WITNESSETH:

1. The Province will pay to the Corporation, one-third of the expenditures of the Corporation for direct relief, in addition to one-third to be paid by the Dominion Government.

2. The Province will also pay to the Corporation, twenty-five per cent. of the cost of public works and undertakings hereinafter set out, such works and undertakings being necessary to provide suitable work for the unemployed, in addition to twenty-five per cent. of the said cost to be paid by the Dominion Government. Fifty per cent. of the said cost is to be assumed and borne by the Corporation. Such public works and undertakings are as follows:

Provided, however, that neither the Province nor the Dominion Government will pay any amount in excess of \$ _____ each.

3. Statements of account for expenditures by the Corporation under the provisions of this agreement for direct relief, or for public works and undertakings, shall be rendered monthly in duplicate, accompanied by a certificate of the appropriate municipal authority that expenditures have been duly made in accordance with such statements. No costs of administration, or for the purchase of equipment, shall be included in such accounts.

4. The Corporation shall at any time furnish such information as may be required by the Province in relation to statements of account rendered by the Corporation.

5. The Province may direct an inspection in connection with any matters for the relief of unemployment carried out pursuant to this agreement.

6. The expression "direct relief" in paragraphs 1, 3, 9 and 10, of this agreement means food, clothing, fuel and shelter, or such payment in lieu thereof, as may be determined by the Corporation and approved by the Minister of Public Works and Labour for Ontario.

7. The maximum work day of eight hours shall prevail on works and undertakings carried on under this agreement, unless the modification of this requirement is previously agreed to by the Dominion Minister of Labour. Fair and reasonable rates of wages shall be paid by the Cor-

poration, but such rates shall not be in excess of the rates required to be paid by the Dominion Government for the character or class of work in the district. Only goods and materials of Canadian manufacture or production, if available, shall be used, and contracts shall be let only to bone-fide Canadian construction firms, established and operating in Canada prior to January 1st, 1931.

8. The Corporation agrees that all the public works and undertakings mentioned in paragraph two of this agreement will involve a minimum expenditure for labour of forty per cent. of the total cost of such works and undertakings, unless a modification of this requirement is previously agreed to by the Dominion Minister of Labour.

9. All persons employed upon the works or undertakings referred to in this agreement shall be residents of Ontario, and as far as practicable of the locality in which the work is being performed, and in no case shall discrimination be made or permitted in the employment of any British subjects by reason of their political affiliation, race or religious views.

10. No payment will be made by the Province in respect of expenditures made by the corporation after 31st March, 1932, for direct relief or on account of the public works and undertakings hereinbefore set out.

IN WITNESS whereof the Minister of Public Works and Labour for Ontario has hereunto set his hand and seal, and the head and clerk of the corporation have hereunto set their hands and affixed the seal of the corporation, the day and year first above written.

Signed, sealed and delivered in the
presence of

Minister of Public Works and
Labour for Ontario.

The Corporation of the
of
by

Mayor
Clerk

BILL.

An Act respecting Unemployment Relief.

1st Reading

March 22nd, 1932

2nd Reading

3rd Reading

MR. HENRY (York East)

No. 142

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act respecting Unemployment Relief.

MR. HENRY (York East)

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 142

1932

BILL

An Act respecting Unemployment Relief.

Preamble.

WHEREAS under and by virtue of an agreement entered into the 6th day of November, A.D. 1931, between the Honourable Gideon D. Robertson, Minister of Labour, acting on behalf of the Government of Canada, and the Honourable J. D. Monteith, Minister of Public Works and Labour for the Province of Ontario, acting on behalf of the Province of Ontario, certain measures were adopted for the relief of unemployment conditions in Ontario; and whereas it is expedient that legislative sanction be given to the said measures;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Unemployment Relief Act (Ontario)*, 1932.

Agreement
between
Dominion
and
Province
validated.

2. The agreement set out in schedule "A" made between the Honourable Gideon D. Robertson, Minister of Labour, on behalf of the Government of Canada, and the Honourable J. D. Monteith, Minister of Public Works and Labour for the Province of Ontario, on behalf of the Government of Ontario, is declared to be valid and binding and the Government of Ontario shall be deemed to have been since the said date authorized to do all things, make all appropriations and enter into all agreements authorized and required to carry out the said agreement.

Order-in-
Council
confirmed.

3. The Order-in-Council approved by the Honourable the Lieutenant-Governor and dated the 10th day of September, A.D. 1931, a copy of which is set out in schedule "B" to this Act, is confirmed and shall be deemed to be valid and binding.

Agreements
with muni-
cipalities
confirmed.

4.—(1) Every agreement heretofore or hereafter entered into between the Government of the Province of Ontario, represented by the Minister of Public Works and Labour, and any municipal corporation in the form or to the effect set out in schedule "C," shall be deemed to be valid and binding to all intents and purposes.

(2) Where a municipal corporation has heretofore entered into or shall hereafter enter into any such agreement with the Government of the Province of Ontario the corporation may issue debentures to defray the cost to the corporation of any work undertaken in pursuance of the agreement, and it shall not be necessary to obtain the assent of the electors to the by-law for the issue of such debentures nor to observe the other formalities with respect to any such by-law prescribed by *The Municipal Act*, but no such by-law shall be finally passed by the municipal council until the form of the by-law, the amount and term of the debentures to be issued under it and the work for which the same are to be issued have been approved by order of the Ontario Municipal Board and after such approval the debentures shall conclusively be deemed to be legal, valid and binding upon the municipal corporation and the ratepayers thereof.

Issue of debentures without assent of electors.

Rev. Stat., c. 233.

(3) An agreement entered into under this section may include works constructed or to be constructed as local improvements.

Local improvement works.

(4) Any by-law referred to in subsection 2 passed with the approval of the Ontario Municipal Board may with the like approval be amended by the corporation by which it was passed, and the provisions of subsection 2 shall apply to any such amended by-law and to any debentures to be issued thereunder.

Amendment of by-laws.

5.—(1) For the purpose of carrying out the obligations set out in the said agreement of the 6th day of November, A.D. 1931, there shall be set aside out of the Consolidated Revenue Fund and applied such sums from time to time as the Lieutenant-Governor in Council may direct, for relief works for the purpose of providing employment, and for the purpose of providing direct relief.

Appropriation for relief of unemployment.

(2) The provisions of subsection 1 shall be construed as if the same had been in force and taken effect on and from the 1st day of September, 1931.

Effective date of subsection 1.

6. This Act shall apply to the work of extension of the Freeport Sanatorium undertaken by the corporations of the county of Waterloo and the cities of Kitchener and Galt with the approval of the Government of Ontario as a work for the relief of unemployment and each of the said corporations may issue debentures to defray its respective share of the cost of the said work in accordance with the provisions of section 4.

Freeport Sanatorium.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

SCHEDULE "A."

Indenture of Agreement entered into this 6th day of November
A.D. 1931

BETWEEN

The Government of the Dominion of Canada (hereinafter called
the "Dominion"), represented herein by the Honourable Gideon
D. Robertson, Minister of Labour,

of the first part;

—and—

The Government of the Province of Ontario (hereinafter called
the "Province"), represented herein by the Honourable J. D.
Monteith, Minister of Public Works and Labour,

of the second part.

WHEREAS the Unemployment and Farm Relief Act, 1931, provides
that there may be paid out of the Consolidated Revenue Fund such
moneys as the Governor in Council in his discretion may deem expedient
to expend for relieving distress, providing employment and maintaining
within the competence of Parliament, peace, order and good govern-
ment throughout Canada;

AND WHEREAS under the general regulations established by
Order of His Excellency the Governor-General in Council, dated
August 18th, 1931 (P.C. 2043), copy of which is hereto attached marked
"A," the Minister of Labour is empowered to enter into an agreement
with the government of any province for the purpose of supporting and
supplementing the relief measures of the Province and Municipalities
thereof.

AND WHEREAS the Province desires to enter into an agreement
under the provisions of the general regulations aforementioned.

NOW THEREFORE it is mutually agreed by and between the
parties hereto as follows:—

1. The Dominion shall pay to the Province for remittance to any
Municipality within the provincial territory such proportion of the
expenditures of the Municipality for "direct relief" (as hereinafter defined)
where suitable work cannot be provided for the unemployed, as may be
agreed upon between the Province and the Dominion.

2. The Province shall pay to the Municipality an amount equal to
that contributed by the Dominion for "direct relief," or such other pro-
portion of the expenditures of the Municipality as may be agreed upon.

3. The Dominion shall pay to the Province fifty per centum of the
expenditures made by the Province for "direct relief" in provincial terri-
tory where no Municipalities are established and where suitable work
cannot be provided for the unemployed.

4. Contributions by the Dominion towards "direct relief" are to be
made only after the submission by the Province of evidence satisfactory
to the Minister of Labour that a serious unemployment situation exists
in a designated locality and suitable work for the unemployed cannot be
provided therein.

5. In this agreement, "direct relief" means necessary food, clothing,
fuel and shelter, or the equivalent thereof.

6. The Dominion shall pay to the Province for remittance to any
Municipality such proportion of the cost of construction of municipal
works and undertakings carried out to provide work for the unemployed,

as may be agreed upon between the Province and the Dominion; but the proportion of the cost of any such municipal works and undertaking to be borne by the Dominion shall not exceed twenty-five per centum thereof, unless, by reason of the financial conditions of the Municipality, the assumption by the Dominion of a greater proportion of the cost of such works and undertakings is specifically authorized by the Governor-General in Council; and the balance of such cost shall be borne by the Province and the Municipality in such proportions as may be agreed upon.

7. Such contributions by the Dominion and Province, respectively, towards the cost of municipal works and undertakings are to be made only after the submission by the Municipality concerned of evidence satisfactory to the Province and the Minister of Labour that a serious unemployment situation exists in such Municipality.

8. The Dominion shall pay to the Province fifty per centum of the cost of such public works and undertakings as may be carried on by the Province to provide suitable work for the unemployed.

9. The Dominion shall pay to the Province forty per centum of any amount expended by the Province on provincial highways.

10. The Dominion shall pay to the Province fifty per centum of the amount hereafter expended by the Province on such highways, now existing or to be constructed, as may become part of the Trans-Canada Highway.

The expression "Trans-Canada Highway" means in relation to the Province, such provincial highways affording a continuous route connecting the Province with any other or others of the provinces, as may be designated by the Province and approved by the Dominion.

11. Contributions by the Dominion towards the cost of public works, undertakings and highways referred to in sections 8, 9, and 10 hereof, are to be made only after submission by the Province of evidence satisfactory to the Minister of Labour that a serious unemployment situation exists.

12. The Province agrees to submit to the Dominion for approval by the Minister of Labour, from time to time, a schedule or schedules setting forth a list of the public works and undertakings proposed to be carried on by the Province and Municipalities under the provisions of clauses 6, 8, 9, and 10 hereof and also setting forth the proportions of the expenditures in respect of such public works and undertakings to be borne by the Dominion and the Province respectively; and such schedules, when approved, shall become part of this agreement as if originally incorporated therein.

13. All public works and undertakings to which contributions may be made under the provisions of clauses 6, 8, 9, and 10 of this agreement, are to be carried on from the date of their commencement to the date of their completion, which latter date shall not be later than the 1st day of May, 1932.

14. A maximum work day of eight hours shall prevail on works and undertakings carried on under this agreement, unless a modification of this requirement is previously agreed to by the Minister of Labour; fair and reasonable rates of wages shall be paid by the Province and Municipalities, but such rates shall not be in excess of the rates required to be paid by the Federal Government for the character or class of work in the district; only goods and materials of Canadian manufacture or production, if available, shall be used; contracts shall be let only to *bona fide* Canadian construction firms established and operating in Canada prior to January 1st, 1931; and of the amounts expended pursuant to the provisions of clauses 6, 8, 9, and 10 hereof not less than forty per centum thereof shall be expended for labour unless a modification of this requirement is previously agreed to by the Minister of Labour.

15. All persons employed on the works or undertakings referred to herein shall be residents of Canada and, so far as practicable, of the locality in which the work is being performed, and in no case shall discrimination be made or permitted in the employment of any persons by reason of their political affiliation, race or religious views.

16. Statements of accounts for expenditures made by the Province and Municipalities, for direct relief or for public works and undertakings, pursuant to the provisions of this agreement shall be submitted by the Province to the Minister of Labour accompanied by a certificate of the appropriate provincial authority that expenditures have been duly made in accordance with such statements; and such statements and certificates shall be in the form prescribed by the Minister of Labour.

17. The Province and Municipalities shall each bear their own expenses of administration in connection with any measures for the relief of unemployment undertaken pursuant to this agreement, and no portion of such expenses of administration shall be included in any statement of account rendered pursuant to this agreement or paid by the Dominion.

18. The Minister of Labour may at any time call upon the Province to furnish such information as he may require in relation to statements of accounts rendered by the Province or Municipalities.

19. The Minister of Labour may at any time direct an inspection in connection with any measures for the relief of unemployment carried out pursuant to this agreement.

IN WITNESS WHEREOF the Honourable Gideon D. Robertson, Minister of Labour, has hereunto set his hand on behalf of the Dominion of Canada and the Honourable J. D. Monteith, Minister of Public Works and Labour, has hereunto set his hand on behalf of the Province of Ontario.

Signed on behalf of the Government
of Canada by Honourable
Gideon D. Robertson,
Minister of Labour,
in the presence of J. A. Ellis.

G. D. ROBERTSON.

Signed on behalf of the Province of
Ontario by the Honourable
J. D. Monteith, Minister of
Public Works and Labour,
in the presence of J. A. Ellis.

J. D. MONTEITH

SCHEDULE "B."

Order-in-Council approved by the Honourable The Lieutenant-Governor,
dated the 10th day of September, A.D. 1931.

Upon the recommendation of The Minister of Public Works and Labour, the Committee of Council advise that the following regulations for the administration of the Unemployed Relief Fund be approved:—

1. Except where the context otherwise requires, in this Order-in-Council the expression "Minister" means the Minister of Public Works and Labour.

2. There may be paid from the Consolidated Revenue Fund such moneys as may be deemed expedient to relieve distress and provide employment.

3. The Minister may enter into an agreement with the Government of the Dominion, or with any Minister of such Government duly authorized for that purpose, for the payment by the Dominion to the Province of the following expenditures in such proportions as may be agreed upon:—

- (a) Direct Relief by municipalities.
- (b) Direct Relief by the Province where no municipal Government exists.
- (c) Grants to municipalities for municipal work and undertakings.
- (d) Provincial public works, improvements, and other undertakings.

4. The Minister may enter into an agreement with any municipality for the payment by the Ontario Government of such proportion of the expenditures of such municipality for direct relief as may be agreed upon between the municipality and the Province and approved by the Minister, in addition to the proportion which will be assumed and paid by the Dominion Government.

5. The Minister may enter into an agreement with any municipality for the payment to such municipality by the Government of Ontario of a proportion of the cost of such municipal works and undertakings as may be carried out pursuant to such agreement to provide work for the unemployed, in addition to the proportion of the said cost which will be assumed and paid by the Dominion Government.

6. The expression "direct relief" in sections 3 and 4 hereof means food, clothing, fuel, and shelter, or such payment in lieu thereof as may be determined by the municipal authorities and approved by the Minister.

7. As the success of the relief measures under this Order-in-Council will largely depend upon the fair and equitable distribution of opportunities for employment and payment of reasonable rates of wages, the Government will require that a maximum work day of eight hours shall prevail on works and undertakings carried on under the provisions hereof unless a modification of this requirement is previously agreed to by the Dominion Minister of Labour. Municipal authorities may fix rates of wages to be paid provided such rates be fair and reasonable and not in excess of the rates required to be paid by the Dominion Government for the character or class of work in the district. If available goods and materials of Canadian manufacture or production shall be used and contracts shall be let only to bona-fide Canadian Construction firms established and operating in Canada prior to January 1st, 1931.

8. No grants shall be made for any municipal works and undertakings unless such works and undertakings involve a minimum expenditure for labour of forty per cent. of the total cost of such works and undertakings.

9. All agreements with municipal authorities shall contain a provision to the effect that all persons employed on the works or undertakings referred to herein shall be residents of Ontario, and so far as practicable of the locality in which the work is being performed, and in no case shall discrimination be made or permitted in the employment of, or in the granting of direct relief to any British subjects by reason of their political affiliation, race or religious views.

10. Statements of account for expenditures for direct relief or for public works and undertakings made under the provisions of this Order-in-Council shall be rendered monthly in duplicate accompanied by a certificate of the appropriate municipal authority that expenditures have been duly made in accordance with such statements.

11. No costs of administration or for the purchase of equipment shall be included in the accounts to be rendered under section 10 hereof.

12. The Minister may at any time call upon any municipality to furnish such information as he may require in relation to statements of account rendered by the municipalities.

15. J. A. Ellis, Director of the Bureau of Municipal Affairs, is hereby appointed Secretary of such Advisory Committee, and he and the staff of such Bureau shall perform such duties under the direction of the Minister as may be required to carry out the provisions of this Order-in-Council.

17. All payments hereby authorized shall be made from the moneys appropriated by special warrant or the Legislature on the certificate of the Secretary of such Advisory Committee, countersigned by the Minister.

•

The Government of the Province of Ontario, represented by the Minister of Public Works and Labour, hereinafter called "the Province,"

of the first part;

hereinafter called "the Corporation,"
of the second part.

WHEREAS the Dominion of Canada and the Province have entered into an agreement to jointly provide certain funds for unemployment relief.

AND WHEREAS the Minister of Public Works and Labour has, by Order-in-Council approved by the Honourable the Lieutenant-Governor on the day of _____, 1931, been authorized to enter into an agreement with any Municipality for the payment to such Municipality by the Province, of certain moneys to assist in unemployment relief.

NOW THIS AGREEMENT WITNESSETH:

1. The Province will pay to the Corporation, one-third of the expenditures of the Corporation for direct relief, in addition to one-third to be paid by the Dominion Government.

2. The Province will also pay to the Corporation, twenty-five per cent. of the cost of public works and undertakings hereinafter set out, such works and undertakings being necessary to provide suitable work for the unemployed, in addition to twenty-five per cent. of the said cost to be paid by the Dominion Government. Fifty per cent. of the said cost is to be assumed and borne by the Corporation. Such public works and undertakings are as follows:

Provided, however, that neither the Province nor the Dominion Government will pay any amount in excess of \$ _____ each.

3. Statements of account for expenditures by the Corporation under the provisions of this agreement for direct relief, or for public works and undertakings, shall be rendered monthly in duplicate, accompanied by a certificate of the appropriate municipal authority that expenditures have been duly made in accordance with such statements. No costs of administration, or for the purchase of equipment, shall be included in such accounts.

4. The Corporation shall at any time furnish such information as may be required by the Province in relation to statements of account rendered by the Corporation.

5. The Province may direct an inspection in connection with any matters for the relief of unemployment carried out pursuant to this agreement.

6. The expression "direct relief" in paragraphs 1, 3, 9 and 10, of this agreement means food, clothing, fuel and shelter, or such payment in lieu thereof, as may be determined by the Corporation and approved by the Minister of Public Works and Labour for Ontario.

7. The maximum work day of eight hours shall prevail on works and undertakings carried on under this agreement, unless the modification of this requirement is previously agreed to by the Dominion Minister of Labour. Fair and reasonable rates of wages shall be paid by the Corporation, but such rates shall not be in excess of the rates required to be paid by the Dominion Government for the character or class of work in the district. Only goods and materials of Canadian manufacture or production, if available, shall be used, and contracts shall be let only to bone-fide Canadian construction firms, established and operating in Canada prior to January 1st, 1931.

8. The Corporation agrees that all the public works and undertakings mentioned in paragraph two of this agreement will involve a minimum expenditure for labour of forty per cent. of the total cost of such works and undertakings, unless a modification of this requirement is previously agreed to by the Dominion Minister of Labour.

9. All persons employed upon the works or undertakings referred to in this agreement shall be residents of Ontario, and as far as practicable of the locality in which the work is being performed, and in no case shall discrimination be made or permitted in the employment of any British subjects by reason of their political affiliation, race or religious views.

10. No payment will be made by the Province in respect of expenditures made by the corporation after 31st March, 1932, for direct relief or on account of the public works and undertakings hereinbefore set out.

IN WITNESS whereof the Minister of Public Works and Labour for Ontario has hereunto set his hand and seal, and the head and clerk of the corporation have hereunto set their hands and affixed the seal of the corporation, the day and year first above written.

Signed, sealed and delivered in the presence of

Minister of Public Works and
Labour for Ontario.

The Corporation of the

of

by

Mayor
Clerk

BILL

An Act respecting Unemployment Relief.

1st Reading

March 22nd, 1932

2nd Reading

March 23rd, 1932

3rd Reading

March 25th, 1932

MR. HENRY (York East)

No. 143

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

**An Act to supplement the Revenue of the Crown in the
Province of Ontario.**

MR. DUNLOP

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 143

1932

BILL

[An Act to supplement the Revenue of the Crown
in the Province of Ontario.]

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Short title. **1.** This Act may be cited as *The Supplementary Revenue Act, 1932*.

Interpre-
tation. **2.** In this Act,—

"Gallon." (a) "Gallon" shall mean one hundred and twenty-eight ounces or such greater or less quantity as may be fixed by regulation;

"Pur-
chaser." (b) "Purchaser" shall mean any person holding a sub-
sisting permit under *The Liquor Control Act* or the
regulations passed thereunder and purchasing wine
for his own use;

"Regu-
lations." (c) "Regulations" shall mean regulations made under the
authority of this Act;

"Treasurer." (d) "Treasurer" shall mean the Treasurer of Ontario;

"Native
wine." (e) "Native wine" shall mean wine manufactured from
grapes or cherries grown in Ontario and shall include
native wine to which has been added water, honey or
sugar and shall also include native wine fortified
with the distillate of grapes grown in Ontario.

Tax on
purchaser
of wine. **3.** Every purchaser of native wine shall pay to His Majesty
for the uses of Ontario a tax at the rate of ten cents per
gallon on all native wine purchased by him.

Collection
of tax. **4.** The tax hereby imposed shall be collected, accounted for
and paid over to the Treasurer in such manner as the regula-
tions may direct.

EXPLANATORY NOTES

Section 2. Interpretation section.

Section 3. This provides for a tax of ten cents per gallon on wines purchased by permit holders. The tax on wine under *The Luxury Tax Act*, which is repealed by section 7 of this Bill, was fifty cents per gallon.

Section 4. This will enable the tax to be collected in such manner as may prove most convenient.

Regulations. **5.** The Lieutenant-Governor in Council may make regulations,—

- (a) for the collection of the tax hereby imposed in cash, by the sale of stamps, or otherwise, and designating the persons by whom the same shall be collected;
- (b) for the accounting for and paying over of money so collected and the time and manner of such accounting and paying;
- (c) prescribing the returns to be made by manufacturers of native wine in Ontario;
- (d) exempting from the said tax any purchaser or class of purchasers and prescribing the proofs to be furnished upon any application for exemption;
- (e) imposing penalties for the non-payment of said tax or for non-compliance with the provisions of this Act or the regulations;
- (f) for defining a "gallon" of native wine when sold in bottles;
- (g) generally for the better carrying out of the provisions of this Act.

Penalties,—
how recover-
able.
Rev. Stat.,
c. 121.

6. The penalties imposed under the regulations shall be recoverable under *The Summary Convictions Act*.

Repeal.

7. *The Luxury Tax Act*, being chapter 33 of the Revised Statutes of Ontario, 1927, is repealed.

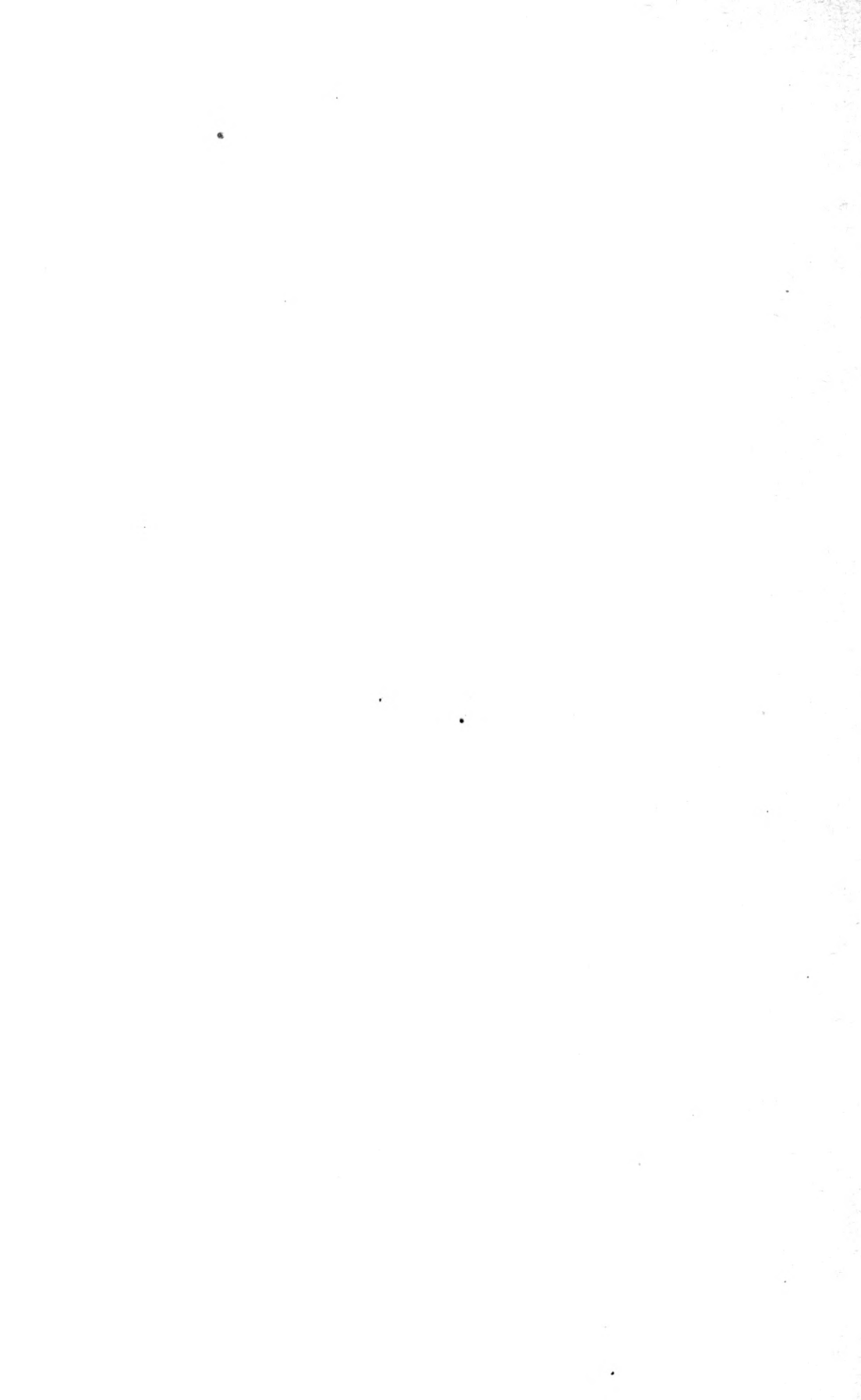
Commence-
ment of Act.

8. This Act shall come into force on the 1st day of May, 1932.

Section 5. This is the usual section enabling regulations to be made to carry out the provisions of the Act.

Section 6. Provides for the recovery of penalties imposed by the Act.

Section 7. This repeals *The Luxury Tax Act*. All the "beverages" mentioned in that Act have been excepted from the provisions of the Act by Order-in-Council.



BILL

An Act to supplement the Revenue of the
Crown in the Province of Ontario.

1st Reading

March 23rd, 1932

2nd Reading

3rd Reading

MR. DUNLOP

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

**An Act to supplement the Revenue of the Crown in the
Province of Ontario.**

MR. DUNLOP

BILL

An Act to supplement the Revenue of the Crown
in the Province of Ontario.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Short title. **1.** This Act may be cited as *The Supplementary Revenue Act, 1932*.

Interpre- **2.** In this Act,—
tation.

“Gallon.” (a) “Gallon” shall mean one hundred and twenty-eight
 ounces or such greater or less quantity as may be
 fixed by regulation;

“Pur- (b) “Purchaser” shall mean any person holding a sub-
chaser.” sisting permit under *The Liquor Control Act* or the
 regulations passed thereunder and purchasing wine
 for his own use;

“Regu- (c) “Regulations” shall mean regulations made under the
lations.” authority of this Act;

“Treasurer.” (d) “Treasurer” shall mean the Treasurer of Ontario;

“Native (e) “Native wine” shall mean wine manufactured from
wine.” grapes or cherries grown in Ontario and shall include
 native wine to which has been added water, honey or
 sugar and shall also include native wine fortified
 with the distillate of grapes grown in Ontario.

Tax on **3.** Every purchaser of native wine shall pay to His Majesty
purchaser for the uses of Ontario a tax at the rate of ten cents per
of wine. gallon on all native wine purchased by him.

Collection **4.** The tax hereby imposed shall be collected, accounted for
of tax. and paid over to the Treasurer in such manner as the regula-
 tions may direct.

5. The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) for the collection of the tax hereby imposed in cash, by the sale of stamps, or otherwise, and designating the persons by whom the same shall be collected;
- (b) for the accounting for and paying over of money so collected and the time and manner of such accounting and paying;
- (c) prescribing the returns to be made by manufacturers of native wine in Ontario;
- (d) exempting from the said tax any purchaser or class of purchasers and prescribing the proofs to be furnished upon any application for exemption;
- (e) imposing penalties for the non-payment of said tax or for non-compliance with the provisions of this Act or the regulations;
- (f) for defining a "gallon" of native wine when sold in bottles;
- (g) generally for the better carrying out of the provisions of this Act.

6. The penalties imposed under the regulations shall be recoverable under *The Summary Convictions Act*. Penalties,—
how recover-
able.
Rev. Stat.,
c. 121.

7. *The Luxury Tax Act*, being chapter 33 of the Revised Statutes of Ontario, 1927, is repealed. Repeal.

8. This Act shall come into force on the 1st day of May, 1932. Commence-
ment of Act.

BILL

An Act to supplement the Revenue of the
Crown in the Province of Ontario.

1st Reading

March 23rd, 1932

2nd Reading

March 24th, 1932

3rd Reading

March 25th, 1932

MR. DUNLOP

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Municipal Act.

MR. FINLAYSON

No. 144

1932

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Municipal Amendment Act, 1932*.

Rev. Stat.,
c. 233, s. 47,
amended. **2.** Section 47 of *The Municipal Act* is amended by adding thereto the following subsection:

Election
by wards. (3) Where a town in unorganized territory has been divided into wards the council may provide that the council shall be composed of a mayor and one councillor for each ward, and the remaining councillors to complete the full number of six or nine, as the case may be, to be elected by general vote.

Rev. Stat.,
c. 233, s. 48,
subs. 4,
amended. **3.**—(1) Subsection 4 of section 48 of *The Municipal Act* is amended by striking out the word and figure "subsection 2" where they first occur in the second line and inserting in lieu thereof the words and figures "subsections 2 or 3."

Rev. Stat.,
c. 233, s. 48,
subs. 5,
amended. (2) Subsection 5 of the said section 48 is amended by striking out the word and figure "subsection 2" where they first occur in the first and second lines and inserting in lieu thereof the words and figures "subsections 2 or 3."

Rev. Stat.,
c. 233, s. 51,
subs. 2,
amended. **4.** Subsection 2 of section 51 of *The Municipal Act* is amended by inserting after the word and figures "section 56" in the last line the words "or who is entered on the list as a farmer's daughter," so that the subsection shall now read as follows:

Number of
electors--how
determined. (2) The number of municipal electors shall be determined by the last revised voters' list but in counting the names, the name of the same person shall not be counted more than once, and the name of a person who is a municipal elector by reason of being the

wife or husband of the person so rated or entitled to be rated for land as mentioned in clause *d* of subsection 1 of section 56 or who is entered on the list as a farmer's daughter shall not be counted.

Rev. Stat.,
c. 233, s. 53,
subss. 1, cl. *p*,
amended. **5.** Clause *p* of subsection 1 of section 53 of *The Municipal Act* is amended by adding at the end thereof the following words:

“but this clause shall not apply with respect to any moneys paid or payable to a member of council under the provisions of sections 433, 434, 435 or 436.”

Rev. Stat.,
c. 233,
amended. **6.** *The Municipal Act* is amended by adding thereto the following section:

Voting
of county
councillors in
committee.

215*a*. The council of a county may by by-law provide that a member who in council has an additional vote by virtue of the provisions of subsection 2 of section 45 shall as a member of any committee have an additional vote therein.

Rev. Stat.,
c. 233, s. 230,
subss. 2, 3, s.
238, subss. 6,
7, repealed. **7.** Subsections 2 and 3 of section 230 and subsections 6 and 7 of section 238 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 233,
amended. **8.** *The Municipal Act* is amended by adding thereto the following section:

Security to
be furnished
by officers.

248*a*. (1) Every treasurer, deputy treasurer and collector and every other officer of the corporation as the council may require, before entering on the duties of his office shall give annually such security as the council directs for the faithful performance of such duties and for duly accounting for and paying over all money which comes into his hands.

Nature
of security.

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company within the meaning of *The Guarantee Companies Securities Act*, unless the council by resolution authorizes that the security may be given by the bond of a personal surety or sureties.

Rev. Stat.,
c. 230.

Inspection
of surety
bonds.

(3) It shall be the duty of the council at a meeting held not later than the 15th day of February in every year with respect to those of its officers who continue in office from year to year and at the first meeting after his appointment with respect to any newly appointed officer, to require the production before it of every bond, policy or guarantee contract required under this section.

Filing
of surety
bonds with
clerk of the
peace, and
his duties
thereon.

- (4) Forthwith after the production before the council of any bond, policy or guarantee contract required under this section, the clerk shall deposit the same with the clerk of the peace of the county or district in which the municipality is situate whose duty it shall be to keep the same in a place of safe custody and forthwith after receipt of same transmit to the head of the municipality and to the Director of the Bureau of Municipal Affairs a return of all such bonds, policies and guarantee contracts deposited with him under this section, which return shall be in the form prescribed by the said Director and shall set forth the particulars therein provided for, and the clerk of the peace shall also keep a copy of such return in his office.

Premiums.

- (5) The premiums payable in respect of any bond, policy or guarantee contract given under this section shall be payable by the corporation out of its general funds.

Director
may suggest
additional
security, etc.

- (6) The Director of the Bureau of Municipal Affairs may upon examination of any return made to him under this section, inform the council of the municipality to which it relates of any additions to, increases in the amounts of, or other changes in any of the bonds, policies, or guarantee contracts given under this section which he may deem advisable or desirable to be made.

Rev. Stat.,
c. 233, s. 300,
amended.

9. Section 300 of *The Municipal Act* is amended by adding thereto the following subsection:

Hypothecation not a
sale under
this section.

- (2) For the purposes of this section the hypothecation of debentures under section 332 at any time heretofore or hereafter made shall not constitute a sale or other disposal thereof.

Rev. Stat.,
c. 233, s. 307,
repealed.

10. Section 307 of *The Municipal Act* is repealed and the following substituted therefor:

Yearly
estimates
and con-
tents.

- 307.—(1) The council of every municipality shall in each year prepare and adopt estimates of all sums required during the year for the purpose of the municipality, including the sums required by law to be provided by the council for school purposes and for any board, commission or other body, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Municipal Board may from time to time prescribe.

- Allowances to be made in estimates.
- (2) The estimates shall provide due allowance for the cost of collection, abatement of and discount on taxes and uncollectible taxes, and may provide due allowance for taxes which may not be collected during the year.
- Rating by-laws.
- (3) One by-law or several by-laws for levying the rates may be passed as the council may deem expedient.
- Form of estimates.
- (4) The Municipal Board may prescribe the form of estimates to be prepared by the council and may from time to time vary the same.
- Rev. Stat., c. 233, s. 332, amended.
- 11.** Section 332 of *The Municipal Act* is amended by adding thereto the following subsection:
- Hypothecation not to prevent subsequent sale of debentures.
- (3) Subject to the provisions of subsection 2 the redemption of a debenture heretofore or hereafter hypothecated shall not be deemed to have prevented and shall not prevent the subsequent sale thereof.
- Rev. Stat., c. 233, s. 334, repealed.
- 12.** Section 334 of *The Municipal Act* is repealed and the following substituted therefor:
- Current borrowings.
- 334.—(1) A council may by by-law either before or after the passing of the by-law for imposing the rates for the current year authorize the head and treasurer to borrow such sums as the council may deem necessary to meet until the taxes are collected the current expenditures of the corporation for the year, including the amounts for sinking fund, principal and interest falling due within the year upon any debt of the corporation, school purposes, special rates purposes and for meeting the requirements of any board, commission or body and other purposes for which the corporation is required by law to provide.
- Limit of current borrowing.
- (2) The amount so borrowed shall not exceed seventy per centum of the total amount of the revenues of the corporation of the preceding year, exclusive of moneys borrowed and of proceeds derived from the sale of debentures in that year.
- Lender not bound by application, etc.
- (3) The lender shall not be bound to establish the necessity of borrowing the sum lent or to see to its application.
- Security for moneys borrowed.
- (4) The council may by by-law authorize the giving as security for any such loan, promissory notes or other forms of agreement of the corporation signed

by the head and treasurer and sealed with the seal of the corporation, and each such note or agreement shall be valid and binding upon the corporation.

Lien upon
revenues.

- (5) The council may by by-law and agreement charge any revenues of the corporation, with repayment of any sum so borrowed, and the lender shall have a lien upon the revenues so charged until the charge is satisfied.

Prior
liens not
defeated.

- (6) Any subsequent charge or lien created under this section shall not defeat or affect and shall be subject to any prior charge or lien then subsisting.

Municipal
Board may
approve of
excess
borrowings.

- (7) Notwithstanding the limitation in borrowing contained in subsection 2, a council may with the approval of the Municipal Board borrow an amount in excess of seventy per centum of the revenues of the preceding year, exclusive of moneys borrowed and of proceeds derived from the sale of debentures in that year.

Disquali-
fication for
unauthorized
borrowings.

- (8) If the council authorizes the borrowing of any larger sum than is authorized or approved under this section, every member who votes therefor shall be disqualified from holding any municipal office for two years.

Liability
for mis-
application
of revenues
subject to
lien.

- (9) If the council applies any revenues of the corporation charged or subject to a lien under this section otherwise than in discharge thereof, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability
of officers.

- (10) If any officer of a corporation applies any revenues of the corporation so charged or subject to lien otherwise than in discharge thereof, he shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Rev. Stat.,
c. 233, s. 343,
subs. 2,
amended.

13. Subsection 2 of section 343 of *The Municipal Act* is amended by inserting at the beginning thereof the words "Subject to the provisions of subsection 6a."

Rev. Stat.,
c. 233, s. 343,
amended.

14. Section 343 of *The Municipal Act* is amended by adding thereto the following subsection:

Application
by corpora-
tion to
Municipal
Board to
further
defer entry.

- (6a) Where it is shown to the satisfaction of the Municipal Board upon application made by the corporation before the day fixed for entry by the by-law, that in

view of financial conditions it is desirable that the day fixed for entry by the by-law should be further deferred, the Municipal Board may further defer the time for entry by the corporation on the land until a day not less than one year nor more than three years after the day fixed for entry by the by-law, but so that the total time for which entry is deferred by the provisions of the by-law and the order of the Municipal Board shall not exceed ten years, upon such terms and conditions as the said Board may deem proper, and upon such order being made the day fixed by the Municipal Board as the day for entry shall thereafter be deemed to be the day fixed in the by-law for entry.

Rev. Stat.,
c. 233,
amended.

15. *The Municipal Act* is amended by adding thereto the following section:

Sale of
stolen and
abandoned
property in
possession
of police.

367a.—(1) Where any motor vehicle, bicycle or any personal property of any kind whatsoever is in the possession of the Board or a member of the police force by reason of having been stolen from its owner or by reason of having been found abandoned in any public place and the Board is unable to ascertain the owner thereof, the Board may cause the same to be sold or otherwise disposed of as hereinafter set forth and may retain to its own use the proceeds of such sale or disposition.

Procedure
for sale.

(2) When such property is perishable the sale or disposition of same may be made at any time without notice of any kind. When such property is not perishable, the Board may, after the expiration of three months, sell the same by public auction after at least ten days' notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality. Any such sale may be adjourned from time to time until the property is sold.

Rev. Stat.,
c. 251, not
affected.

(3) This section shall be subject to the provisions of *The Highway Traffic Act*.

Rev. Stat.,
c. 233, s. 397,
subs. 1,
amended.

16. Subsection 1 of section 397 of *The Municipal Act* as amended by section 26 of *The Municipal Amendment Act, 1931*, is further amended by inserting after the words "financial aid" in the fifth line the words "by way of loan" so that the first paragraph thereof shall now read as follows:

Granting
fixed assess-
ments.

1. For fixing the assessment of the property of any person carrying on or proposing to carry on within

the municipality any manufacturing business including iron works, rolling mills, works for refining or smelting ores, grain elevators, a beet sugar factory and a tobacco drier or a cold storage plant receiving financial aid by way of loan from the Department of Agriculture of the Province of Ontario on such terms and conditions as the council may deem proper.

Rev. Stat.,
c. 233, s. 414,
amended.

17. The heading of section 414 of *The Municipal Act* is amended by inserting after the word "of" in the first line the words "towns and villages and by the councils of," so that the said heading shall now read as follows:

414. By-laws may be passed by the councils of towns and villages and by the councils of townships bordering on or situate within ten miles of a city having a population of not less than 100,000.

Rev. Stat.,
c. 233, s. 422,
(heading),
amended.

18.—(1) The heading of section 422 of *The Municipal Act* is amended by inserting after the word "towns" in the third line the words "and villages," so that the said heading shall now read as follows:

422. By-laws may be passed by the councils of townships in unorganized territory, all townships bordering on a city having a population of not less than 100,000, of counties and towns and villages, and of cities having a population of less than 100,000, and by the Board of Commissioners of Police of cities having a population of not less than 100,000.

(2) Clause *f* of paragraph 1 of said section 422 is amended by adding after the word "town" in the first and fourth lines the word "village."

Rev. Stat.,
c. 233, s.
431a (1928,
c. 37, s. 16),
(heading),
amended.

19. Section 431a of *The Municipal Act* as enacted by section 16 of *The Municipal Amendment Act, 1928*, and amended by section 36 of *The Municipal Amendment Act, 1931*, is further amended by adding to the heading thereof the words "and by councils of cities having a population of less than 100,000," so that the said heading shall now read as follows:

431a. By-laws may be passed by boards of commissioners of police of cities having a population of not less than 100,000 and by councils of townships bordering on a city having a population of not less than 100,000 and by councils of cities having a population of less than 100,000.

Rev. Stat.,
c. 233, s. 433,
repealed.

20. Section 433 of *The Municipal Act* is repealed and the following substituted therefor:

Remunera-
tion of
members of
council.

433.—(1) The council of a municipality may pass by-laws for paying the members of the council for their attendance at meetings at the following rates in the case of,—

- (a) a county and a township having a population of not less than 10,000, at a rate not exceeding \$8 a day for attendance at meetings of the council or of its committees and ten cents for each mile necessarily travelled in going to such meetings;
- (b) a city having a population of less than 100,000, a town and a township having a population of less than 10,000, at a rate not exceeding \$5 a day for attendance at meetings of the council, and in the case of such a township ten cents for each mile necessarily travelled in going to such meetings;
- (c) a village, at a rate not exceeding \$3 a day for attendance at meetings of the council.

Where
head receives
salary.

- (2) Where under the provisions of section 224 the head of an urban municipality is paid an annual or other remuneration, such head shall not be entitled to payment under this section for attendance at meetings.

Rev. Stat.,
c. 233, s. 515,
amended.

21. Section 515 of *The Municipal Act* is amended by adding thereto the following subsection:

Power of
Municipal
Board to
increase area
on failure of
county to
act.

- (4) Where a petition has been presented to increase the area of a police village as provided in subsection 1 or 2 hereof and is sufficiently signed and the council of the county does not at its next meeting after the presentation of the petition pass a by-law increasing the area of the said police village, application may be made to the Ontario Municipal Board for an order increasing the area as requested in the said petition and the Board, upon being satisfied that the petition has been duly signed and presented to the council and that the council has failed to act, may make an order increasing the area of the said police village by adding to it any adjoining land as described in the said petition, provided, however, that the addition does not exceed the limitation as set out in subsections 1 and 2, respectively, or include land in another county if the consent of the council of that county has not been obtained.

Commence-
ment of Act. **22.** This Act shall come into force on the day upon which
it receives the Royal Assent.

BILL

An Act to amend The Municipal Act.

1st Reading

March 23rd, 1932

2nd Reading

3rd Reading

MR. FINLAYSON

No. 144

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

The Municipal Amendment Act, 1932.

MR. FINLAYSON

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 144

1932

BILL

The Municipal Amendment Act, 1932.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Municipal Amendment Act, 1932.*

**Rev. Stat.,
c. 233, s. 47,
amended.** **2.** Section 47 of *The Municipal Act* is amended by adding thereto the following subsection:

**Election
by wards.** (3) Where a town in unorganized territory has been divided into wards the council may provide that the council shall be composed of a mayor and one councillor for each ward, and the remaining councillors to complete the full number of six or nine, as the case may be, to be elected by general vote.

**Rev. Stat.,
c. 233, s. 48,
subs. 4,
amended.** **3.—**(1) Subsection 4 of section 48 of *The Municipal Act* is amended by striking out the word and figure "subsection 2" where they first occur in the second line and inserting in lieu thereof the words and figures "subsection 2 or 3."

**Rev. Stat.,
c. 233, s. 48,
subs. 5,
amended.** (2) Subsection 5 of the said section 48 is amended by striking out the word and figure "subsection 2" where they first occur in the first and second lines and inserting in lieu thereof the words and figures "subsection 2 or 3."

**Rev. Stat.,
c. 233, s. 51,
subs. 2,
amended.** **4.** Subsection 2 of section 51 of *The Municipal Act* is amended by inserting after the word and figures "section 56" in the last line the words "or who is entered on the list as a farmer's daughter," so that the subsection shall now read as follows:

**Number of
electors—how
determined.** (2) The number of municipal electors shall be determined by the last revised voters' list but in counting the names, the name of the same person shall not be counted more than once, and the name of a person who is a municipal elector by reason of being the

wife or husband of the person so rated or entitled to be rated for land as mentioned in clause *d* of subsection 1 of section 56 or who is entered on the list as a farmer's daughter shall not be counted.

5. Clause *p* of subsection 1 of section 53 of *The Municipal Act* is amended by adding at the end thereof the following words: Rev. Stat., c. 233, s. 53, subs. 1, cl. *p*, amended.

"but this clause shall not apply with respect to any moneys paid or payable to a member of council under the provisions of sections 433, 434, 435 or 436."

6. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat., c. 233, amended.

215a. The council of a county may by by-law provide that a member who in council has an additional vote by virtue of the provisions of subsection 2 of section 45 shall as a member of any committee have an additional vote therein. Voting of county councillors in committee.

7. Subsections 2 and 3 of section 230 and subsections 6 and 7 of section 238 of *The Municipal Act* are repealed. Rev. Stat., c. 233, s. 230, subss. 2, 3, s. 238, subss. 6, 7, repealed.

8. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat., c. 233, amended.

248a.—(1) Every treasurer, deputy treasurer and collector and every other officer of the corporation as the council may require, before entering on the duties of his office shall give annually such security as the council directs for the faithful performance of such duties and for duly accounting for and paying over all money which comes into his hands. Security to be furnished by officers.

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company within the meaning of *The Guarantee Companies Securities Act*, unless the council by resolution authorizes that the security may be given by the bond of a personal surety or sureties. Nature of security. Rev. Stat., c. 230.

(3) It shall be the duty of the council at a meeting held not later than the 15th day of February in every year with respect to those of its officers who continue in office from year to year and at the first meeting after his appointment with respect to any newly appointed officer, to require the production before it of every bond, policy or guarantee contract required under this section. Inspection of surety bonds.

Filing
of surety
bonds with
clerk of the
peace, and
his duties
thereon.

- (4) Forthwith after the production before the council of any bond, policy or guarantee contract required under this section, the clerk shall deposit the same with the clerk of the peace of the county or district in which the municipality is situate whose duty it shall be to keep the same in a place of safe custody and forthwith after receipt of same transmit to the head of the municipality and to the Commissioner of Municipal Affairs a return of all such bonds, policies and guarantee contracts deposited with him under this section, which return shall be in the form prescribed by the said Commissioner and shall set forth the particulars therein provided for, and the clerk of the peace shall also keep a copy of such return in his office.

Premiums.

- (5) The premiums payable in respect of any bond, policy or guarantee contract given under this section shall be payable by the corporation out of its general funds.

Commission-
er may
suggest
additional
security, etc.

- (6) The Commissioner of Municipal Affairs may upon examination of any return made to him under this section, inform the council of the municipality to which it relates of any additions to, increases in the amounts of, or other changes in any of the bonds, policies, or guarantee contracts given under this section which he may deem advisable or desirable to be made.

Rev. Stat.,
c. 233, s. 300,
amended.

9. Section 300 of *The Municipal Act* is amended by adding thereto the following subsection:

Hypothecation not a
sale under
this section.

- (2) For the purposes of this section the hypothecation of debentures under section 332 at any time heretofore or hereafter made shall not constitute a sale or other disposal thereof.

Rev. Stat.,
c. 233, s. 307,
repealed.

10. Section 307 of *The Municipal Act* is repealed and the following substituted therefor:

Yearly
estimates
and con-
tents.

- 307.—(1) The council of every municipality shall in each year prepare and adopt estimates of all sums required during the year for the purpose of the municipality, including the sums required by law to be provided by the council for school purposes and for any board, commission or other body, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ontario Municipal Board may from time to time prescribe.

- (2) The estimates shall provide due allowance for the cost of collection, abatement of and discount on taxes and uncollectible taxes, and may provide due allowance for taxes which may not be collected during the year. Allowances to be made in estimates.
- (3) One by-law or several by-laws for levying the rates may be passed as the council may deem expedient. Rating by-laws.
- (4) The Ontario Municipal Board may prescribe the form of estimates to be prepared by the council and may from time to time vary the same. Form of estimates.

11. Section 332 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 233, s. 332, amended.

- (3) Subject to the provisions of subsection 2 the redemption of a debenture heretofore or hereafter hypothecated shall not be deemed to have prevented and shall not prevent the subsequent sale thereof. Hypothecation not to prevent subsequent sale of debentures.

12. Section 334 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 334, repealed.

- 334.**—(1) A council may by by-law either before or after the passing of the by-law for imposing the rates for the current year authorize the head and treasurer to borrow such sums as the council may deem necessary to meet until the taxes are collected the current expenditures of the corporation for the year, including the amounts for sinking fund, principal and interest falling due within the year upon any debt of the corporation, school purposes, special rates purposes and for meeting the requirements of any board, commission or body and other purposes for which the corporation is required by law to provide. Current borrowings.
- (2) The amount so borrowed shall not exceed seventy per centum of the total amount of the revenues of the corporation of the preceding year, exclusive of moneys borrowed and of proceeds derived from the sale of debentures in that year. Limit of current borrowing
- (3) The lender shall not be bound to establish the necessity of borrowing the sum lent or to see to its application. Lender not bound by application, etc.
- (4) The council may by by-law authorize the giving as security for any such loan, promissory notes or other forms of agreement of the corporation signed Security for moneys borrowed.

by the head and treasurer and sealed with the seal of the corporation, and each such note or agreement shall be valid and binding upon the corporation.

Lien upon
revenues.

- (5) The council may by by-law and agreement charge any revenues of the corporation, with repayment of any sum so borrowed, and the lender shall have a lien upon the revenues so charged until the charge is satisfied.

Prior
liens not
defeated.

- (6) Any subsequent charge or lien created under this section shall not defeat or affect and shall be subject to any prior charge or lien then subsisting.

Municipal
Board may
approve of
excess
borrowings.

- (7) Notwithstanding the limitation in borrowing contained in subsection 2, a council may with the approval of the Ontario Municipal Board borrow an amount in excess of seventy per centum of the revenues of the preceding year, exclusive of moneys borrowed and of proceeds derived from the sale of debentures in that year.

Disquali-
fication for
unauthorized
borrowings.

- (8) If the council authorizes the borrowing of any larger sum than is authorized or approved under this section, every member who votes therefor shall be disqualified from holding any municipal office for two years.

Liability
for mis-
application
of revenues
subject to
lien.

- (9) If the council applies any revenues of the corporation charged or subject to a lien under this section otherwise than in discharge thereof, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability
of officers.

- (10) If any officer of a corporation applies any revenues of the corporation so charged or subject to lien otherwise than in discharge thereof, he shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Rev. Stat.,
c. 233, s. 343,
subs. 2,
amended.

13. Subsection 2 of section 343 of *The Municipal Act* is amended by inserting at the beginning thereof the words "Subject to the provisions of subsection 6a."

Rev. Stat.,
c. 233, s. 343,
amended.

14. Section 343 of *The Municipal Act* is amended by adding thereto the following subsection:

Application
by corpora-
tion to
Municipal
Board to
further
defer entry.

- (6a) Where it is shown to the satisfaction of the Ontario Municipal Board upon application made by the corporation before the day fixed for entry by the

by-law, that in view of financial conditions it is desirable that the day fixed for entry by the by-law should be further deferred, the Ontario Municipal Board may further defer the time for entry by the corporation on the land until a day not less than one year nor more than three years after the day fixed for entry by the by-law, but so that the total time for which entry is deferred by the provisions of the by-law and the order of the Ontario Municipal Board shall not exceed ten years, upon such terms and conditions as the said Board may deem proper, and upon such order being made the day fixed by the Ontario Municipal Board as the day for entry shall thereafter be deemed to be the day fixed in the by-law for entry.

15. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat.,
c. 233,
amended.

367a.—(1) Where any motor vehicle, bicycle or any personal property of any kind whatsoever is in the possession of the Board or a member of the police force by reason of having been stolen from its owner or by reason of having been found abandoned in any public place and the Board is unable to ascertain the owner thereof, the Board may cause the same to be sold or otherwise disposed of as hereinafter set forth and may retain to its own use the proceeds of such sale or disposition. Sale of
stolen and
abandoned
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possession
of police.

(2) When such property is perishable the sale or disposition of the same may be made at any time without notice of any kind. When such property is not perishable, the Board may, after the expiration of three months, sell the same by public auction after at least ten days' notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality. Any such sale may be adjourned from time to time until the property is sold. Procedure
for sale.

(3) This section shall be subject to the provisions of *The Highway Traffic Act*. Rev. Stat.,
c. 251, not
affected.

16. Subsection 1 of section 397 of *The Municipal Act* as amended by section 26 of *The Municipal Amendment Act, 1931*, is further amended by inserting after the words "financial aid" added by the amendment made in 1931 the words "by way of loan" so that the first paragraph thereof shall now read as follows: Rev. Stat.,
c. 233, s. 397,
subs. 1,
amended.

1. For fixing the assessment of the property of any person carrying on or proposing to carry on within Granting
fixed assess-
ments.

the municipality any manufacturing business including iron works, rolling mills, works for refining or smelting ores, grain elevators, a beet sugar factory and a tobacco drier or a cold storage plant receiving financial aid by way of loan from the Department of Agriculture of the Province of Ontario on such terms and conditions as the council may deem proper.

Rev. Stat.,
c. 233, s. 414,
(heading)
amended.

17. The heading of section 414 of *The Municipal Act* is amended by inserting after the word "of" in the first line the words "towns and villages and by the councils of," so that the said heading shall now read as follows:

414. By-laws may be passed by the councils of towns and villages and by the councils of townships bordering on or situate within ten miles of a city having a population of not less than 100,000.

Rev. Stat.,
c. 233, s. 422,
(heading)
amended.

18.—(1) The heading of section 422 of *The Municipal Act* is amended by inserting after the word "towns" in the third line the words "and villages," so that the said heading shall now read as follows:

422. By-laws may be passed by the councils of townships in unorganized territory, all townships bordering on a city having a population of not less than 100,000, of counties and towns and villages, and of cities having a population of less than 100,000, and by the Board of Commissioners of Police of cities having a population of not less than 100,000.

Rev. Stat.,
c. 233, s. 422,
par. 1, cl. f
amended.

(2) Clause *f* of paragraph 1 of said section 422 is amended by adding after the word "town" in the first and fourth lines the word "village."

Rev. Stat.,
c. 233, s.
431a (1928,
c. 37, s. 16),
(heading),
amended.

19. Section 431a of *The Municipal Act* as enacted by section 16 of *The Municipal Amendment Act, 1928*, and amended by section 36 of *The Municipal Amendment Act, 1931*, is further amended by adding to the heading thereof the words "and by councils of cities having a population of less than 100,000," so that the said heading shall now read as follows:

431a. By-laws may be passed by boards of commissioners of police of cities having a population of not less than 100,000 and by councils of townships bordering on a city having a population of not less than 100,000 and by councils of cities having a population of less than 100,000.

Rev. Stat.,
c. 233, s. 433,
repealed.

20. Section 433 of *The Municipal Act* is repealed and the following substituted therefor:

433.—(1) The council of a municipality may pass by-laws for paying the members of the council for their attendance at meetings at the following rates in the case of,—

Remuneration of members of council.

(a) a county and a township having a population of not less than 10,000, at a rate not exceeding \$8 a day for attendance at meetings of the council or of its committees and ten cents for each mile necessarily travelled in going to such meetings;

(b) a city having a population of less than 100,000, a town and a township having a population of less than 10,000, at a rate not exceeding \$5 a day for attendance at meetings of the council, and in the case of such a township ten cents for each mile necessarily travelled in going to such meetings;

(c) a village, at a rate not exceeding \$3 a day for attendance at meetings of the council.

(2) Where under the provisions of section 224 the head of an urban municipality is paid an annual or other remuneration, such head shall not be entitled to payment under this section for attendance at meetings.

Where head receives salary.

21. Section 515 of *The Municipal Act* is amended by adding thereto the following subsection:

Rev. Stat., c. 233, s. 515, amended.

(4) Where a petition has been presented to increase the area of a police village as provided in subsection 1 or 2 hereof and is sufficiently signed and the council of the county does not at its next meeting after the presentation of the petition pass a by-law increasing the area of the said police village, application may be made to the Ontario Municipal Board for an order increasing the area as requested in the said petition and the Board, upon being satisfied that the petition has been duly signed and presented to the council and that the council has failed to act, may make an order increasing the area of the said police village by adding to it any adjoining land as described in the said petition, provided, however, that the addition does not exceed the limitation as set out in subsections 1 and 2, respectively, or include land in another county if the consent of the council of that county has not been obtained.

Power of Municipal Board to increase area on failure of county to act

22. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.



BILL

The Municipal Amendment Act, 1932.

1st Reading

March 23rd, 1932

2nd Reading

March 23rd, 1932

3rd Reading

March 25th, 1932

MR. FINLAYSON

No. 145

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Local Improvement Act.

MR. FINLAYSON

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Local Improvement Amendment Act, 1932*.

Rev. Stat.,
c. 235,
s. 8,
repealed.

2. Section 8 of *The Local Improvement Act* is repealed and the following substituted therefor:

Construction
of certain
classes of
local
improvement
works to
require
approval of
Municipal
Board before
Council
proceeds.

8.--(1) Where the council determines and by by-law or resolution passed at any meeting by a vote of two-thirds of all the members thereof declares it is desirable that the construction of a curbing, pavement, sidewalk, sewer, watermain or bridge, or the opening, widening, extending, grading, altering the grade of, diverting or improving a street, or the extension of a system of water works, or of private drain connections or water service pipes under the provisions of section 4, should be undertaken as a local improvement, the council may with the approval of the Railway and Municipal Board pass a by-law to undertake the work.

Petition not
requisite.

(2) Where the undertaking of the work is approved by the Railway and Municipal Board no petition required by section 11 shall be necessary and the owners shall not have the right of petition provided by section 12.

Notice of
application
to Board.

(3) Where it is intended to proceed under this section the council shall not be deemed to proceed on the initiative plan but there shall be published at least once a week for two weeks a notice of intention, Form IA, to apply to the Railway and Municipal Board for approval of the work being undertaken and any owner may within twenty-one days after the

first publication of such notice file with the said board his objection to the work being undertaken.

Further
notices
on order of
Board.

- (4) The said Board may direct such further or other notice or notices, Form IA, or otherwise, to be given by the council and the said Board may make such order with respect to the work as may seem proper.

Work not to
proceed
until
approval
given.

- (5) The work shall not be undertaken until the approval of the said Board to the passing of the by-law therefor has been obtained.

What Form
IA may
include.

- (6) The notice, Form IA, when published, may relate to and include any number of different works.

Rev. Stat.,
c. 235,
amended.

3. *The Local Improvement Act* is amended by adding thereto the following form:

FORM IA.

(SECTION 8)

Take notice that,—

1. The Council of the Corporation of the _____ of _____ intends to construct as a local improvement (*describe the work*) on (*or in*) _____ street between (*describe the points between which the work is to be constructed*) and intends to specially assess a part of the cost upon the land abutting directly on the work (*in case other land is to be specially assessed, add*) and upon the following land which is immediately benefited by the work (*describe the land*).
2. The estimated cost of the work is \$ _____ of which \$ _____ is to be paid by the Corporation. The estimated cost per foot frontage is \$ _____. The special assessment is to be paid in _____ equal annual instalments and the estimated annual rate per foot frontage is _____ cents.
3. Application will be made by the Corporation to the Ontario Railway and Municipal Board for its approval of the undertaking of the said work and any owner may within twenty-one days after the first publication of this notice file with the Board his objection to the said work being undertaken.

4. The said Board may approve of the said work being undertaken, but before doing so it may appoint a time and place when any objections to the said work will be considered.

Dated.

Clerk.

(NOTE.—Where it is intended to assess part of the cost upon non-abutting land, the form of notice is to be amended to show the cost per foot frontage and annual frontage rate to be charged against such lands.)

Rev. Stat.,
c. 235, s. 9,
amended.

4. Section 9 of *The Local Improvement Act* is amended by inserting after the word "watermain" in the sixth line the words "or of private drain connections or water service pipes under the provisions of section 4," so that the section shall now read as follows:

Construction
of sewer
etc., on
recommen-
dation of
Minister
of Health.

9. Where the council, upon the recommendation of the Minister of Health or of the local board of health of the municipality, determines and, by by-law passed at a regular or special meeting of the council by vote of two-thirds of all the members thereof, declares that the construction, enlargement or extension of a sewer or watermain or of private drain connections or water service pipes under the provisions of section 4 as a local improvement is necessary or desirable in the public interest on sanitary grounds, the council may undertake the work without petition, and the owners of the land shall not have the right of petition provided for by section 12.

Rev. Stat.,
c. 235, s. 10,
repealed.

5. Section 10 of *The Local Improvement Act* is repealed and the following substituted therefor:

Notice of
intention
to undertake
work to be
published
by council.

- 10.—(1) Where it is intended to proceed under section 9 the council shall not be deemed to proceed on the initiative plan, but, before passing the by-law for undertaking the work, shall cause notice of its intention, Form I, to be published. Such notice may relate to and include any number of different works.

Objection
to con-
struction of
work on
two-thirds
vote of
council.

- (2) Where the council proceeds with any local improvement under subsection 1, a majority of the owners representing at least one-half the value of the lots which are to be specially assessed therefor, being dissatisfied with such local improvement or with the manner in which it has been undertaken, may by petition apply to the Railway and Municipal

Board for relief, and the Board may thereupon investigate the complaint and make such order with respect to the local improvement as may seem proper, and after notice to the clerk of the municipality of the application and pending its determination by the Board, the council shall not proceed with the local improvement work.

Sufficiency
of petition.

- (3) The sufficiency of such petition shall be determined in the manner provided by section 15.

Filing of
petition.

- (4) Such petition shall be deposited with the secretary of the Railway and Municipal Board within twenty-one days after the publication of notice of the council's intention to undertake the work.

Time for
passing
by-law.

- (5) The by-law for undertaking the work shall not be passed until the expiry of the said twenty-one days.

Rev. Stat.,
c. 235, s. 40,
subs. 1,
amended.

6. Subsection 1 of section 40 of *The Local Improvement Act* is amended by striking out the words "the unfinished work and any unsettled claims for lands taken or injuriously affected by the opening, widening, extending, grading, altering the grade of, diverting or improving a street" in the third, fourth, fifth and sixth lines, and inserting in lieu thereof the words "any unfinished portion of the work and any unsettled claims for lands taken for or injuriously affected by the work," so that the section shall now read as follows:

Estimate of
cost of
unfinished
work and
unsettled
claims.

- 40.—(1) In ascertaining the actual cost of the work under the next preceding section where in the opinion of the engineer and assessment commissioner or treasurer the cost of any unfinished portion of the work and any unsettled claims for lands taken for or injuriously affected by the work will not exceed in amount 25 per centum of the total estimated cost of the work, the engineer and assessment commissioner or treasurer may estimate the cost of such unfinished work, and the amount of all such claims, and the amount may be included in the actual cost to be ascertained and certified under the next preceding section, and shall be deemed to be the correct amount thereof subject to any order made with reference thereto by the court of revision.

Rev. Stat.,
c. 135, s. 27a,
amended.
(1928,
c. 38, s. 3.)

7. Section 27a of *The Local Improvement Act* as enacted by section 3 of *The Local Improvement Act, 1928*, is amended by adding thereto the following subsection:

Court may
review and
alter exemp-
tions or
reductions.

- (3) The court of revision shall have jurisdiction and authority to review and alter any such exemption or

reduction when considering the special assessment roll for the work, but shall not increase the corporation's portion of the cost of the work.

Commence-
ment of Act. **8.** This Act shall come into force on the day upon which
it receives the Royal Assent.

BILL

An Act to amend The Local Improvement
Act

1st Reading

March 23rd, 1932

2nd Reading

3rd Reading

MR. FINLAYSON

No. 145

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

The Local Improvement Amendment Act, 1932

MR. FINLAYSON

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Local Improvement Amendment Act, 1932.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Local Improvement Amendment Act, 1932*.

Rev. Stat.,
c. 235,
s. 8,
repealed.

2. Section 8 of *The Local Improvement Act* is repealed and the following substituted therefor:

Construction
of certain
classes of
local
improvement
works to
require
approval of
Municipal
Board before
Council
proceeds.

8.—(1) Where the council determines and by by-law or resolution passed at any meeting by a vote of two-thirds of all the members thereof declares it is desirable that the construction of a curbing, pavement, sidewalk, sewer, watermain or bridge, or the opening, widening, extending, grading, altering the grade of, diverting or improving a street, or the extension of a system of water works, or of private drain connections or water service pipes under the provisions of section 4, should be undertaken as a local improvement, the council may with the approval of the Ontario Municipal Board pass a by-law to undertake the work.

Petition not
requisite.

(2) Where the undertaking of the work is approved by the Ontario Municipal Board no petition required by section 11 shall be necessary and the owners shall not have the right of petition provided by section 12.

Notice of
application
to Board.

(3) Where it is intended to proceed under this section the council shall not be deemed to proceed on the initiative plan but there shall be published at least once a week for two weeks a notice of intention, Form IA, to apply to the Ontario Municipal Board for approval of the work being undertaken and any owner may within twenty-one days after the first

publication of such notice file with the said Board his objection to the work being undertaken.

- (4) The said Board may direct such further or other notice or notices, Form IA, or otherwise, to be given by the council and the said Board may make such order with respect to the work as may seem proper. Further notices on order of Board.
 - (5) The work shall not be undertaken until the approval of the said Board to the passing of the by-law therefor has been obtained. Work not to proceed until approval given.
 - (6) The notice, Form IA, when published, may relate to and include any number of different works. What Form IA may include.
- 3. The Local Improvement Act** is amended by adding thereto the following form: Rev. Stat., c. 235, amended.

FORM 1A.

(SECTION 8)

Take notice that,—

1. The Council of the Corporation of the _____ of _____ intends to construct as a local improvement *(describe the work)* on *(or in)* _____ street between *(describe the points between which the work is to be constructed)* and intends to specially assess a part of the cost upon the land abutting directly on the work *(in case other land is to be specially assessed, add)* and upon the following land which is immediately benefited by the work *(describe the land)*.
2. The estimated cost of the work is \$ _____ of which \$ _____ is to be paid by the Corporation. The estimated cost per foot frontage is \$ _____. The special assessment is to be paid in _____ equal annual instalments and the estimated annual rate per foot frontage is _____ cents.
3. Application will be made by the Corporation to the Ontario Municipal Board for its approval of the undertaking of the said work and any owner may within twenty-one days after the first publication of this notice file with the Board his objection to the said work being undertaken.
4. The said Board may approve of the said work being undertaken, but before doing so it may appoint a

time and place when any objections to the said work will be considered.

Dated.

Clerk.

(NOTE.—Where it is intended to assess part of the cost upon non-abutting land, the form of notice is to be amended to show the cost per foot frontage and annual frontage rate to be charged against such lands.)

Rev. Stat.,
c. 235, s. 9,
amended.

4. Section 9 of *The Local Improvement Act* is amended by inserting after the word "watermain" in the sixth line the words "or of private drain connections or water service pipes under the provisions of section 4," so that the section shall now read as follows:

Construction
of sewer
etc., on
recommen-
dation of
Minister
of Health.

9. Where the council, upon the recommendation of the Minister of Health or of the local board of health of the municipality, determines and, by by-law passed at a regular or special meeting of the council by vote of two-thirds of all the members thereof, declares that the construction, enlargement or extension of a sewer or watermain or of private drain connections or water service pipes under the provisions of section 4 as a local improvement is necessary or desirable in the public interest on sanitary grounds, the council may undertake the work without petition, and the owners of the land shall not have the right of petition provided for by section 12.

Rev. Stat.,
c. 235, s. 10,
repealed.

5. Section 10 of *The Local Improvement Act* is repealed and the following substituted therefor:

Notice of
intention
to undertake
work to be
published
by council.

10.—(1) Where it is intended to proceed under section 9 the council shall not be deemed to proceed on the initiative plan, but, before passing the by-law for undertaking the work, shall cause notice of its intention, Form I, to be published. Such notice may relate to and include any number of different works.

Objection
to con-
struction of
work on
two-thirds
vote of
council.

(2) Where the council proceeds with any local improvement under subsection 1, a majority of the owners representing at least one-half the value of the lots which are to be specially assessed therefor, being dissatisfied with such local improvement or with the manner in which it has been undertaken, may by petition apply to the Ontario Municipal Board for relief, and the Board may thereupon investigate the complaint and make such order with respect to the local improvement as may seem proper, and after notice to the clerk of the municipality

of the application and pending its determination by the Board, the council shall not proceed with the local improvement work.

(3) The sufficiency of such petition shall be determined in the manner provided by section 15. Sufficiency of petition.

(4) Such petition shall be deposited with the secretary of the Ontario Municipal Board within twenty-one days after the publication of notice of the council's intention to undertake the work. Filing of petition.

(5) The by-law for undertaking the work shall not be passed until the expiry of the said twenty-one days. Time for passing by-law.

6. Section 27a of *The Local Improvement Act* as enacted by section 3 of *The Local Improvement Act, 1928*, and amended by section 1 of *The Local Improvement Act, 1930*, is further amended by adding thereto the following subsection: Rev. Stat., c. 135, s. 27a, (1928, c. 38, s. 3.) amended.

(3) The court of revision shall have jurisdiction and authority to review and alter any such exemption or reduction when considering the special assessment roll for the work, but shall not increase the corporation's portion of the cost of the work. Court may review and alter exemptions or reductions.

7. Subsection 1 of section 40 of *The Local Improvement Act* is amended by striking out the words "the unfinished work and any unsettled claims for lands taken or injuriously affected by the opening, widening, extending, grading, altering the grade of, diverting or improving a street" in the third, fourth, fifth and sixth lines, and inserting in lieu thereof the words "any unfinished portion of the work and any unsettled claims for lands taken for or injuriously affected by the work," so that the section shall now read as follows: Rev. Stat., c. 235, s. 40, subs. 1, amended.

40.—(1) In ascertaining the actual cost of the work under the next preceding section where in the opinion of the engineer and assessment commissioner or treasurer the cost of any unfinished portion of the work and any unsettled claims for lands taken for or injuriously affected by the work will not exceed in amount 25 per centum of the total estimated cost of the work, the engineer and assessment commissioner or treasurer may estimate the cost of such unfinished work, and the amount of all such claims, and the amount may be included in the actual cost to be ascertained and certified under the next preceding section, and shall be deemed to be the correct amount thereof subject to any order made with reference thereto by the court of revision. Estimate of cost of unfinished work and unsettled claims.

8. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

The Local Improvement Amendment
Act, 1932

1st Reading

March 23rd, 1932

2nd Reading

March 23rd, 1932

3rd Reading

March 25th, 1932

MR. FINLAYSON

No. 146

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act to amend The Assessment Act.

MR. FINLAYSON

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 146 ·

1932

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Assessment Amendment Act, 1932*.

Rev. Stat.,
c. 238, s. 121,
(1929,
c. 63, s. 7),
amended. **1.** Section 121 of *The Assessment Act* as enacted by section 7 of *The Assessment Amendment Act, 1929*, and amended by subsection 8 of section 3 of *The Assessment Amendment Act, 1930*, is further amended by adding thereto the following subsection:

Application
to Court of
Revision for
refund of
portion of
paid taxes. (5) An application under clause *a* of subsection 1 may be made in respect of taxes which have been paid, and in such cases the court of revision, subject to the provisions of any by-law, may reject the application or may order that the corporation refund a portion of such taxes, and the corporation may refund the same accordingly.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

Under section 121 as now enacted a Court of Revision has no power to order refunds of taxes which have been paid, it can only order cancellation or reduction of unpaid taxes. The amendment will make it possible for a portion of paid taxes to be refunded in cases of vacant tenements, subject to the provisions of any municipal by-law governing such refunds.

BILL

An Act to amend The Assessment Act.

1st Reading

March 23rd, 1932

2nd Reading

3rd Reading

MR. FINLAYSON

No. 146

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

The Assessment Amendment Act, 1932

MR. FINLAYSON

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 146

1932

BILL

The Assessment Amendment Act, 1932.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Assessment Amendment Act, 1932.*

Rev. Stat.,
c. 238, s. 121,
(1929,
c. 63, s. 7),
amended.

2. Section 121 of *The Assessment Act* as re-enacted by section 7 of *The Assessment Amendment Act, 1929*, and amended by subsection 8 of section 3 of *The Assessment Amendment Act, 1930*, is further amended by adding thereto the following subsection:

Application
to Court of
Revision for
refund of
portion of
paid taxes.

(5) An application under clause *a* of subsection 1 may be made in respect of taxes which have been paid, and in such cases the court of revision, subject to the provisions of any by-law, may reject the application or may order that the corporation refund a portion of such taxes, and the corporation may refund the same accordingly.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

. The Assessment Amendment Act, 1932

1st Reading

March 23rd, 1932

2nd Reading

March 23rd, 1932

3rd Reading

March 25th, 1932

Mr. FINLAYSON

No. 147

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL
The Fuel Oil Tax Act, 1932.

MR. DUNLOP

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 147

1932

BILL

The Fuel Oil Tax Act, 1932.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title. **1.** This Act may be cited as *The Fuel Oil Tax Act, 1932*.
- Tax on fuel oil. **2.** For the raising of a revenue for provincial purposes every person who consumes any fuel oil in the Province shall pay to the Treasurer of Ontario a tax in respect of that fuel oil at the rate of one-half cent a gallon.
- Collection of tax. **3.** The tax imposed by this Act shall be paid and collected at such times and in such manner as the regulations may prescribe.
- Recovery of tax by action. **4.** The amount of any tax imposed by this Act may be recovered by action in any court as for a debt due to the Crown in right of the Province, and the court may make an order as to the costs of the action in favour of or against the Crown.
- Vendors' licenses. **5.—(1)** Upon the expiration of thirty days after the commencement of this Act, no person shall keep for sale or sell fuel oil in the Province unless he is the holder of a license issued pursuant to this section in respect of each place of business at which fuel oil is so kept for sale or sold by him.
- Application and license fee. **(2)** The manner of application and the forms of application and of the license shall be as prescribed in the regulations. A license fee of \$1 shall be payable in respect of each license.
- Cancellation of license. **(3)** The Treasurer of Ontario may, without holding any formal or other hearing, cancel any license issued pursuant to this section if the licensee is convicted of any offence against this Act, and may during the period of twelve months next

succeeding the cancellation of that license refuse to issue any new license to the person so convicted.

6. Every person who consumes any fuel oil in the Province ^{Returns.} and every person who keeps for sale or sells fuel oil in the Province shall keep such records and shall make and furnish such returns as are prescribed in the regulations.

7.—(1) Every person who violates any provision of this ^{Offences.} Act or the regulations shall be guilty of an offence against this Act.

(2) Every person guilty of an offence against this Act shall ^{Penalties.} be liable, on summary conviction, to a fine not exceeding \$100, but nothing contained in this section nor the enforcement of any penalty thereunder shall suspend or affect any remedy for the recovery of any tax or amount payable under this Act.

8.—(1) For the purpose of carrying into effect the ^{Regulations.} provisions of this Act according to their true intent, the Lieutenant-Governor in Council may make such regulations as are considered necessary or advisable.

(2) Without thereby limiting the generality of the provisions contained in subsection 1, the power of the Lieutenant-Governor in Council to make regulations shall extend to,—

- (a) prescribing that any person by whom any tax is payable under this Act shall, without any notice or demand, pay the same at such times and places and in such manner as are stated in the regulations;
- (b) determining, in the case of any fluid or substance used or intended for use as fuel, whether or not a fluid or substance is fuel oil within the meaning of this Act;
- (c) exempting from the provisions of the Act any manufacturer or any class or classes of consumers of fuel oil.

9. This Act shall come into force on a day to be named by ^{Commence-} the Lieutenant-Governor by his Proclamation. ^{ment of Act.}

BILL

The Fuel Oil Tax Act, 1932.

1st Reading

March 24th, 1932

2nd Reading

March 24th, 1932

3rd Reading

March 25th, 1932

MR. DUNLOP

3RD SESSION, 18TH LEGISLATURE, ONTARIO
22 GEORGE V, 1932

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending on the 31st day of October, 1932, and for the Public Service of the financial year ending the 31st day of October, 1933.

MR. DUNLOP

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending on the 31st day of October, 1932, and for the Public Service of the financial year ending the 31st day of October, 1933.

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it appears by message from The Right Honourable Sir William Mulock, K.C.M.G., Administrator of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of October, 1932, and for the financial year ending the 31st day of October, 1933, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

\$5,366,168.00
granted for
year ending
31st October,
1932.

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Five million three hundred and sixty-six thousand one hundred and sixty-eight dollars towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of November, 1931, to the 31st day of October, 1932, as set forth in schedule "A" to this Act.

\$37,591,932.50
granted for
fiscal year
1932-33.

2. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Thirty-seven million five hundred and ninety-one thousand nine hundred and thirty-two dollars and fifty cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of November, 1932, to the 31st day of October, 1933, as set forth in schedule "B" to this Act.

3 Accounts in detail of all moneys received on account of this Province during the said financial year 1931-1932, and of all expenditures under schedule "A" of this Act, shall be laid before the Legislative Assembly at its first sitting after the completion of the said period; and accounts in detail of all moneys received on account of this Province during the financial year 1932-33 and of all expenditures under schedule "B" of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year. Accounts to be laid before Assembly.

4. Any part of the money under schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of October, 1932, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off. Appropriations for 1931-32 unexpended to lapse.

5. Any part of the money under schedule "B" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of October, 1933, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or after a date fixed by the Lieutenant-Governor in Council as mentioned in section 4 shall lapse and be written off. Appropriations for 1932-33 unexpended to lapse.

6. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty. Accounting for expenditure.

7. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

SCHEDULE "A"

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and thirty-two, to defray expenses of:

Attorney-General's Department..	\$34,640.00
Education Department.....	1,582,900.00
Lands and Forests Department..	8,125 00
Mines Department.....	1,329.63
Game and Fisheries Department..	69,900.00

Public Works Department.....	\$1,231,017.87
Highways Department.....	33,825.00
Health Department.....	219,900.00
Labour Department.....	33,041.50
Public Welfare Department.....	2,072,000.00
Provincial Treasurer's Department	46,075.00
Provincial Secretary's Department	5,825.00
Agriculture Department.....	30,524.00
Miscellaneous.....	66,345.00

Total estimates for expenditure of 1931-
1932..... \$5,366,168.00

SCHEDULE "B"

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and thirty-three, to defray expenses of:

Lieutenant-Governor's Office.....	\$6,450.00
Prime Minister's Department....	3,244,050.00
Legislation.....	357,000.00
Attorney-General's Department..	2,468,330.00
Insurance Department.....	66,125.00
Education Department.....	8,262,622.00
Lands and Forests Department...	2,292,515.00
Northern Development Depart- ment.....	641,450.00
Mines Department.....	357,100.00
Game and Fisheries Department..	692,975.00
Public Works Department.....	1,084,810.00
Highways Department.....	633,775.00
Health Department.....	7,245,725.00
Labour Department.....	415,741.50
Public Welfare Department.....	4,758,950.00
Provincial Treasurer's Department	583,700.00
Provincial Auditor's Office.....	101,325.00
Provincial Secretary's Depart- ment.....	1,281,130.00
Agriculture Department.....	2,532,159.00
Miscellaneous.....	566,000.00

Total estimates for expenditure of 1932-
1933..... \$37,591,932.50

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending on the 31st day of October, 1932, and for the Public Service of the financial year ending the 31st day of October, 1933.

1st Reading

March 24th, 1932

2nd Reading

March 24th, 1932

3rd Reading

March 24th, 1932

MR. DUNLOP



